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RICHARD HENRY DANA

A BIOGRAPHY

BY

CHARLES FRANCIS ADAMS

IN TWO VOLUMES
VOL. I.

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To

The Massachusetts Historical Society,

AT WHOSE BEHEST

THE MEMOIR, OUT OF WHICH GREW THIS LIFE

OF ONE OF ITS MORE

DISTINGUISHED MEMBERS,

WAS ORIGINALLY UNDERTAKEN.

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RICHARD HENRY DANA.

CHAPTER I.

SCHOOL-DAYS AND VOYAGE TO CALIFORNIA.

Richard Henry Dana, the younger of the name, was born in Cambridge, Massachusetts, on the first day of August, 1815. He came from an old Massachusetts stock, long resident in the town of his birth, the early records of which contain mention of a Richard Dana in 1640, though how long he had then been in the country, or whence or why he came, does not appear. It has always been the family tradition that this first Richard was of French descent, and it is still thought probable that his ancestors were French Vaudois dwelling in the valleys of Piedmont, where Danas are still found whose families can be traced back for centuries, and whence other Danas may well have been driven by those religious persecutions of which that region was the frequent scene. Whether of Italian or English, and remotely, perhaps, as the name might seem to imply, of Scandinavian origin, the first Richard had a grandson of the same name who was in his time (1700–1772) a prominent lawyer, and in his latter years an active patriot, though he died before the revolutionary troubles culminated. He married (1737) a sister of Edmund Trowbridge, the eminent colonial judge, and by her, in 1743, had a son, Francis, who was a delegate in 1777–'9 and '84 from Massachusetts to the Continental Congress, and was appointed by it in 1780 the first American Minister to the Court of Russia.

Afterwards he held a succession of honorable offices, and in 1785 was appointed a justice of the Supreme Court of Massachusetts. He was made chief justice in 1791, and held that position until he retired in 1806, being succeeded by Theophilus Parsons. Francis Dana married (1773) Elizabeth Ellery, a daughter of William Ellery of Newport, Rhode Island, one of the signers of the Declaration of Independence, by whom he had seven children, one of whom, Martha Remington (1784) married (1830) Washington Allston. The child next in age to Martha, Richard Henry, the father of the subject of this memoir, was born in 1787, and, living well into his ninety-second year, is still remembered as a poet and essayist. He married Ruth Charlotte, a daughter of John Wilson Smith of Taunton, who, dying in 1822, left four children, the eldest boy, called after his father, being then not yet seven years of age.

The year following his mother's death the child Richard passed out of the care of his aunts and began his school-life, of which his subsequent recollections were far from pleasant. His first master was Samuel Barrett, "a thin, dark-complexioned, dark-haired, and dark-eyed man, with a very austere look." The school, situated in Cambridgeport, was kept in "a long, low, dark room, with wooden benches well cut up, walls nearly black, and a close, hot atmosphere." The discipline of the olden time prevailed. Each misdemeanor was noted down at the instant, and flogging was the punishment for every offence. "When the time came for dismissing school, the books were put away, the names of all the delinquents called over, the chest unlocked, and the long pine ferule produced. How often did our hearts sicken at the sight of that chest and that ferule! The boys were then called out, one at a time, and the blows given upon the flat of their hands, from two or four up to one or two dozen, according to the nature of the offence and the size of the boys. A few of the older boys never cried, but only changed color violently as the blows fell; but the other boys always cried and some lustily and with good reason."

It was during this period of early school-days that Oliver Wendell Holmes long afterwards, on seconding the resolutions offered in the Massachusetts Historical Society when Dana's death was announced, recalled him "as a little, rosy-faced, sturdy boy, piloting an atom of a lesser brother, Edmund, to and from the school-house." Dr. Holmes then also referred to one other incident as coming back to him with painful distinctness, — a case of punishment for some slight offence "accidentally aggravated so as to be a temporary injury and give the impression of cruel maltreatment, such as was remote from the master's intention." Even after he grew to man's estate, Dana was unable to take so charitable a view of this incident, which now has a certain value as illustrating the pre-kindergarten methods of New England. One of the modes of punishment in vogue at the Cambridgeport school was dragging the boys about by their ears, "across the school-room and over the benches." One day as Richard Dana, a little urchin not yet eight, was standing up in the class reciting, another boy made him laugh. He was duly rebuked, but could not control himself, and his ear was pulled pretty severely. This sobered him for a moment, but presently he was made to laugh again, and the provoked master took him by the ear and dragged him across the room to his seat. His boy tormentor still would not leave him alone, and partly out of bravado and partly because he could not help it, the child before long was once more laughing. The now thoroughly enraged instructor seized him by one ear and dragged him over the bench on which he was sitting and back again. Some hours later, when school was dismissed, the other scholars saw that little Richard's ear was bloody and the skin connecting it with the head torn. He was taken home by a procession of boys, and the attention of a committee of the school proprietors was called to the case by his father. The result was that punishment by ear pulling was discontinued at the school, though the ferule survived in full sway.

About two years later, as the child was subject every summer to attacks of illness, his father concluded to try the effect of a country boarding-school, and accordingly young Richard was in May, 1824, being not yet nine, taken to Mr. Wright's at Westford, about twenty-five miles from Cambridge. Here he remained for some sixteen months, not unhappy, after a long attack of homesickness had worn itself out; and, though he learned little, he did a good deal of day-dreaming for one so young, his childish imagination being greatly impressed by the outburst of popular enthusiasm which marked the fifty-year commemoration of Lexington and Concord, followed by Lafayette's long triumphal progress through the country, and the great oratorical efforts of Everett at Cambridge and of Webster at Bunker Hill.

In August, 1825, young Dana was brought home and sent once more to the grammar school at Cambridgeport. At the time of deciding on this change in his child's school-life, the elder Richard Henry wrote a letter to a friend which has been preserved, and which contains this curious passage, strongly characteristic of the father, and not without interest as throwing a gleam of light on the early impression made on those around him by the son: —

. . . "I have concluded to take him back to Cambridge. The children are mightily pleased at it. Richard, I think, will be of great benefit to Master Ned. If I understand Richard, he is a boy of excellent principles even now. I 'm afraid he is too sensitive for his own happiness; yet he is generally cheerful and ready for play, and is a boy of true spirit. After all, I never think of him without some touch of melancholy, and with an impression that if he lives he will not be happy; and so constant is this feeling in me whenever he comes before my mind, that should he die early, tho' it would be a sad thing to part with him, my first and last thought of him would be, he has escaped the evil to come. I know this is a weakness in me. But when have I been other than a creature of weakness and folly?"

Young Richard did not remain long at the grammar school in "the Port;" for, soon afterwards, a private school was opened in Cambridge under charge of no less a person than Ralph Waldo Emerson, and Dana was one of about twenty boys who for a brief time imbibed the elements of a classical education under the supervision of the future philosopher of transcendentalism, in 1825 a Harvard graduate of two years' standing. In Holmes's memoir of Emerson, two of the youths taught by him, Josiah G. Abbot and John Holmes, give in their own words the impression which the great transcendentalist left upon them as a schoolmaster. Dana also at a later time wrote down his impression. Referring to this portion of his school-days in 1842, before Emerson had yet attained his recognized eminence, he alluded to him as "since known as a writer and lecturer upon what is called the transcendental philosophy. . . . A very pleasant instructor we had in Mr. E., although he had not system or discipline enough to insure regular and vigorous study. I have always considered it fortunate for us that we fell into the hands of more systematic and strict teachers, though not so popular with us, nor perhaps so elevated in their habits of thought as Mr. E."

But it was under one of these "more systematic and strict teachers" that Dana again became a victim to the brutal and barbarizing system of corporal punishment then so much in vogue. Years afterward, but still laboring under the deepest indignation at the degrading treatment to which as a lad he had been subjected, he gave a detailed account of the incident. It certainly was very bad, and now has a certain historic value as a well authenticated instance of the "Dotheboys Hall" methods in vogue in Massachusetts at about the time Dickens was writing "Nicholas Nickleby" in England. Dana wrote as follows: —

Mr. W. kept but a fortnight. He was very unfortunate in all his plans and notions. He also inflicted some violent corporal punishments. One

inflicted upon myself was the cause of his being turned out of office.

He [the schoolmaster] had placed me in the middle of the floor for some offence or other, and my station being near the stove, and the room very hot, I became faint and asked to be allowed to go out and gave my reason, but to no purpose. In a few minutes we had our usual recess of a quarter of an hour, and I went out. Here I came very near fainting again, looked very pale, and asked leave to go home. This was refused. As I was really sick, at the suggestion of the boys, I went home, which was but a few minutes' walk, to get a written excuse. My father saw that I was ill and kept me at home, and sent me the next morning with a written excuse for my non-appearance, alleging faintness and sickness. Mr. W. was mortified and angry at this and said that the excuse only covered my not returning, while the chief offence was my going home without leave, which he could not excuse, and calling me out, took his ferule and ordered me to put out my left hand. (He also intimated that my sickness was all a sham.) Upon this hand he inflicted six blows with all his strength, and then six upon the right hand. I was in such a frenzy of indignation at his injustice and his insulting insinuation, that I could not have uttered a word for my life. I was too small and slender to resist, and could show my spirit only by fortitude. He called for my right hand again, and gave six more blows in the same manner, and then six more upon the left. My hands were swollen and in acute pain, but I did not flinch nor show a sign of suffering. He was determined to conquer and gave six more blows upon each hand, with full force.

Still there was no sign from me of pain or submission. I could have gone to the stake for what I considered my honor. The school was in an uproar of hissing and scraping and groaning, and the master turned his attention to the other boys and let me alone. He said not another word to me through the day. If he had I could not have answered, for my whole soul was in my throat and not a word could get out. . . . I went in the afternoon to the trustees of the school, stated my case, produced my evidence, and had an examination made. The next morning but four boys went to school, and the day following the career of Mr. W. ended.

Remaining here about four years in all, in the winter of of 1829–30 young Richard, being then in his fifteenth year, was sent as a day scholar to a well-known boarding and day school, also within the limits of Cambridge, to be there prepared for college. He afterwards wrote down a detailed description of ——'s, rightly supposing that it was one of the last specimens of the old English style of school-keeping in this country, and as such would in time become matter of curious inquiry. As the school in question was for many years in great vogue among the more wealthy families of Boston and vicinity, Mr. Dana's description of it will be recognized readily enough not only by some of his contemporaries, but by many of the succeeding generation.

This school consisted of about thirty boys, of whom all but about half a dozen were boarders, and either sons of men of property in Boston, or of Southern gentlemen and sent to his care. The accommodations of the boys were as follows: four large rooms in the attic, in which they slept, six or seven in a room, and to which they were not permitted to go except for sleeping, or for some special purpose, upon

leave. There were no fires in these rooms, and I believe but one light in the entry for all the rooms. I am not certain of the latter fact, but, at all events, the boys were never allowed a light except for a few minutes, to go to bed with. There was a wash room, also without a fire, with half a dozen tin basins and towels, for the boys' washing. There was a dining-room, reserved for meals, and never entered for any other purpose. The school-room was the only room in which the boys could be, except when in bed, by day or night, and in which they must do all their reading, writing, thinking, conversing, and in which their characters and habits were formed. This room was oblong, rather small for the number of boys it was to accommodate, with a stove in the middle, and but one light in the evening for all the boys, and that a lamp fastened to the wall higher than the boys' heads, and of such a kind and so placed that but two or three boys could read by it at the same time. Indeed, what with the noise of so many boys in one room, the necessity of going away from the stove, and the poor accommodations under this lamp, very little reading was done. Those boys who passed several years at this school before entering college went to college the most ignorant young men upon all subjects of literature and of that knowledge acquired through books and the society of educated persons, and not necessarily connected with their Latin, Greek, and mathematics, of any who are able to get for themselves what is commonly called a liberal education. They seemed to belong to another class from the young gentlemen, well informed and well mannered, of the school I had left. They were inferior to them also in the sports and athletic exercises of

boys. For in this school there were bounds beyond which the scholars were never permitted to go. These bounds included the yard about the house and a play-ground adjoining; but none of the favorite games of foot-ball, hand-ball, base or cricket, could be played in the grounds with any satisfaction, for the ball would be constantly flying over the fence, beyond which the boys could not go without asking special leave. This was a damper upon the more ranging and athletic exercises. Flying kite, too, was of course out of the question, as that requires a long run to raise the kite and sometimes a chase after it if the string should break. Hardly a boy in the school knew how to swim, except the day scholars and those Boston boys who went to the swimming school in vacation.

The only punishment known in this school was flogging. The master always had a rattan either in hand or lying on his desk; and if any disorder was observed, or a boy had not his lesson prepared, the master sprang up and down went the rattan upon the boy's back. There were about half a dozen boys who were flogged regularly every day, and who detested the sight of school-room, master and books. There was never a half-day without a good deal of flogging. The boys in the upper class, who were to enter college within the year, were rarely if ever flogged. I do not remember a boy in my class being flogged while I was in the school. But the smaller boys suffered from it. Those who were slow to learn, and needed encouragement, became disheartened and made but little progress; and the smart boys transgressed as much as they could and avoid punishment. I remember very well two or three boys, in particu-

lar, who became almost stultified over their books. One of them was weeks and weeks upon a few pages of his Latin grammar, which he had blotted with tears and blackened with his fingers, until they were hardly legible. That boy generally cried from a quarter to a half hour every half-day over his lesson.

In July, 1831, Dana entered college and soon took a high rank in his class, showing a natural aptitude for mathematics. Before the end of his Freshman year one of those college difficulties, much more common then than now, and absurdly called "rebellions," took place. It soon involved the whole class. It was the familiar story. Some offence had been committed, and "a charity student" was called upon to divulge the name of the culprit. He refused, and, the matter then having got into the courts of law, was summoned as a witness. A class meeting was thereupon held, and resolutions to "sustain our class-mates" were passed. The "rebellion" naturally followed, breaking out, of course, at evening prayers, when a combined tumult of hissing, groaning and scraping completely drowned the voice of the officiating clergyman. "This brought Mr. Quincy down from his seat, and two or three tutors from the galleries. They watched us closely, but the noise continued throughout the reading and until the prayer commenced; when it stopped. The same thing was repeated on Saturday morning. There was an open rebellion." Some of the class were sent away, and others were taken away temporarily by their parents. For such as remained, the alternative of suspension or expulsion was presented. Though he had nothing to do with the original cause of offence, young Dana wholly sympathized with his class. It had been intimated to his father, that if the son would keep away for a few days he would be permitted to remain. The two Richards discussed the matter together, and the course he would pursue was finally left to the younger. He decided that he was "in honor bound" to his class-mates; so he

next morning went in to prayers with such of them as were left, and was summoned before the faculty immediately afterwards to be suspended.

The six months of rustication which ensued he passed with the Rev. Leonard Woods, Jr., afterwards President of Bowdoin College, then a resident licentiate of Andover Theological Seminary. Of this episode in his college life, and of President Woods personally, Mr. Dana always afterwards spoke with feeling and pleasure. The college rebellion and its outcome he accounted a piece of great good fortune, for it brought him at a most impressionable age in close contact with a superior man.

Mr. Woods was then only about four and twenty years old, yet had completed his course of college and professional education, was giving his time to a system of comprehensive scholarship, chiefly theological, and had already become a ripe scholar. Besides his Latin and Greek and Hebrew, with which he was sufficiently conversant for the purposes of his reading, he both read and wrote with ease German, French, and, I think, Italian. He was an indefatigable and enthusiastic student, with a heart full of noble and kind sentiments, with a manner which won the confidence and love of all, with remarkable purity of spirit, and with a firm religious faith and a complete religious personal experience. He was also more free from prejudice, opinionativeness and exclusiveness than most students of theological system. Indeed, I never saw that he had any of those faults. More than any person whom I ever knew he seemed to read, study, think and converse for the purpose of developing fairly all his powers and coming to a knowledge of truth. He was not only a fair but a favorable critic, and his society was very agreeable to

the most unlearned and simple, and much sought after by them, a thing not usual with the learned and accomplished. For a student of abstractions, he was uncommonly familiar with every variety of polite literature. Poetry he studied as high philosophy and enjoyed it as answering to a soul tuned for harmony, in love with beauty, and alive to noble or graceful sentiments. Novels and romances of every school he read with interest, and kept himself acquainted with the current literature of the day, also with much of the lighter literature of other times which has survived to us.

To do all this required system and great application; and both of these he certainly had. He never lost a moment. His books, nature or society, and his hours set apart for retirement employed all his time, and whatever he did was done with his might.

Returning to Cambridge when the period of suspension was over, Dana finished his Sophomore year and had just entered on his Junior year when he had an attack of measles, in some way contracted during the vacation, which he had passed at Plymouth; although the attack was not peculiarly severe, it left his eyes so weak that for a while he could not endure the ordinary light of day, and, even when they grew better, any effort at reading caused intense pain. This continued for several months, making study impossible, and forcing him to leave college. Under such circumstances the average youth of eighteen would have yielded to his fate. The means of the elder Dana were so small that the visit to Europe ordinarily prescribed in such cases was out of the question for his son, who besides was somewhat young to profit by it. Accordingly for a time Richard lived an aimless life in Cambridge, useless and dissatisfied, feeling himself a burden upon his friends. But from childhood upward he had felt a strong love of adventure, which now under

the pressure of enforced idleness broke out in force and made him set his heart on a long voyage in order at once to relieve himself from *ennui*, to see strange lands and modes of life, and if possible to restore his strength of sight. A voyage in the cabin of some India merchantman would in those days of Boston's Calcutta trade have been with most young men the natural outcome of such a longing. Many opportunities for this offered, but Dana was sensible enough to realize that a long cabin voyage with eyes too weak for reading would be intolerably tedious; and so he made up his mind to go before the mast, wisely reasoning that hard work, plain diet, and open-air life would by effecting a gradual change in his whole physical system ultimately restore his eyesight. The experiment was a somewhat daring one, for Dana had not even been brought up as a lad in a seaport town, and accordingly knew nothing of the sea, or of ships; indeed the only evidence that he had ever sailed a boat at all is derived from James Russell Lowell, who, when speaking of the college sloop Harvard and her cord-wood voyages to the eastward, in his paper on "Cambridge, Thirty Years Ago," incidentally remarks: "Inspired by her were those first essays at navigation on the Winthrop duck-pond, of the plucky boy who was afterwards to serve two famous years before the mast." But there is a wide difference between the Winthrop duck-pond and salt water, and naturally enough the elder Dana looked at first with little favor on his son's adventurous project. Nevertheless, he was wise enough to yield at last a silent though reluctant and foreboding consent to what he could hardly forbid, and Dana thus described the steps which gradually led to his voyage: —

The first vessel in which I attempted to procure a situation was the ship Japan bound to India, owned in part by Mr. J. Ingersoll Bowditch, son of Dr. Bowditch, the celebrated mathematician. Mr. B. was going out as supercargo, and upon becoming

acquainted with me positively refused to let me go before the mast, but offered me a passage with him to Calcutta and back, as a companion, and a room in his house on shore while there. He also introduced me to his father, who partly joined in his son's dissuasions, though with less earnestness, for the old gentleman had been a short voyage before the mast himself when a boy, and he knew that it had done him good. He told me he liked my resolution, which only added fuel to the fire. I therefore refused the kind offer of Mr. B., and after some trouble and delay procured a berth in the brig Pilgrim, for California. I undertook this voyage because it was difficult to get any other that would be long enough, at that time, and because California was represented to be a very healthy coast, with a fine climate, and plenty of hard work for the sailors.

Sailing from Boston in the brig Pilgrim on the 14th of August, 1834, Dana got back to Boston in the ship Alert on the 22d of September, 1836. He went away a town-nurtured, college stripling of nineteen; he returned a robust man of twenty-one. The heroic treatment to which he had recourse settled the difficulty with his eyes; thereafter they gave him no more trouble.

But considerable as it was, this advantage was trifling compared with the moral change which his great experience had wrought in him. Taken abruptly away from books and college and home influence, Dana had passed two years during the most impressionable period of life on the deck and the beach in close, hard contact with nature and man; it was exactly what he needed, and, as a part of his education, was of more value to him than that of any other equal period of his youth. Dana needed coarsening if he was to deal successfully with practical life. As not unseldom is the case in America, his descent was a disadvantage to

him, — it bade fair to handicap him in the race. His chances for achieving distinction would have been incomparably better had he been the son of some Congregational clergyman settled over a poor country parish; for in America it is not well for any young man to grow up under the consciousness of an ancestry or incumbered by family traditions. Dana not only did so grow up, but moreover he was naturally disposed to dwell upon this sort of thing, and to magnify its importance. The elder Richard Henry was born a dreamer; sensitive, diffident, distrustful of himself, he shrank from contact with the mass of men, and only a sense of duty could force him into conflict with any one. After the death of his wife, to whom he was tenderly attached, he lived with his unmarried sisters and family traditions, and looked out upon the world as he might have looked from his study windows upon a noisy, dusty marketplace in which vulgar people crowded and jostled each other in a struggle for prizes, the value of which he felt in his daily life, but could not nerve himself to take his part in getting. He was not, as many are, made bitter or discontented by a sense of failure, or of youthful promise not fulfilled, for his was a refined and elevated nature; but he more and more withdrew within himself and his little family circle, accepting the position the world assigned him as a man of gentle birth and slender means, with a poetic temperament which had blossomed and sent forth shoots, but had failed to flower or to grow.

Of more robust intellect, and far more energetic and self-reliant nature than his father, the younger Richard Henry had many traits of character in common with him. As a child he was sensitive, impressionable, and addicted to day-dreaming; as he grew up he developed a premature and exaggerated punctiliousness on all points of so-called "honor," together with a somewhat overwhelming sense of responsibility to family; later on the hereditary traits, good in themselves and calculated to command respect but still not

conducive to practical success in an American business life, became more and more pronounced. But for his hard and healthy forecastle experience these foibles of nature and inheritance would doubtless have cropped out earlier and borne their pernicious fruit. Thus, with Dana the forecastle experience arrested morbid action, or, in homely language, took the nonsense out of him. He could no longer be a dreamer, in danger of becoming a little later on what is sometimes called a "prig," and turned out a tough, manly, sensible young fellow, afraid of nothing, eager to please and succeed, resolute, unselfish and honest.

He had also received what few college-bred young men ever get, — a course in natural life. That "course," set down in no curriculum, takes time; but it is worth all the time it takes. Most college graduates go directly from the lecture-room to the pursuit of some calling, or the study of a profession; possibly they may pass a few months or even years in some foreign college or in the capitals of Europe, that they may return more thoroughly educated, or, perhaps, only travelled gentlemen. Conventionally, this is the correct thing to do. Those who during the days of their youth and vigor snatch a year or two from pleasure or from earning a living and give it to a close communion with nature in man and in things are few indeed. The War of the Rebellion thrust upon the young men of a generation which followed, what Dana in 1835 got for himself. They in their time, as he in his, were forced to waste, as it is expressed, precious years in an experience full of dangerous exposure, and which led to nothing. Yet to them as to him that experience was of incalculable worth. It brought out manhood. It showed how much of the heroic is latent. Wherever there was pure metal, the dross was purged from it.

As it was with the mass in the Rebellion, so was it with Dana thirty years before. The stones sink; the corks swim. Close contact with the coarse and the material in nature and man is a crucial test; but while it develops

whatever is coarse and material in those subjected to it, — while the baser natures succumb, he who has in him the qualities of true manhood comes out from the ordeal purged and strengthened; and so the forecastle did Dana nothing but good. He came out of it better in every respect than he went into it. Whatever measure of success and fame he afterwards achieved in life was in all human probability due to it. That which would have ruined a coarser nature simply toned him up to the proper level. He ceased to be too fine for every-day use. Indeed, all through his subsequent life a sort of conflict may be observed between the saving inspiration of the forecastle and hereditary instincts and traditions. In the prime of his manhood the first predominated and led to an early and brilliant career; as the years went on the freshness of the great lesson faded away, and influences which antedated his birth and surrounded his life asserted themselves, not for his good.

CHAPTER II.

ENTRANCE INTO ACTIVE LIFE.

Landing in his seaman's clothes on Long Wharf from the Alert on the 22d of September, 1836, a rugged, bronzed young fellow of twenty-one, Dana found himself once more, as if by magic, returned to civilized life. Accustomed as he so long had been to seeing only rough, hardy, sunburnt faces, the men he met seemed at first like convalescents from some epidemic fever, while the women were mere shades. In a day or two all this passed away, and the next few weeks he spent pleasantly enough visiting his relatives and in a trip to Burlington, Vermont, where his younger brother Edmund was in college. He then returned to Boston, to which city his father had moved during his absence at sea, and prepared to reënter Harvard; for he had been given to understand that, upon passing an examination, he could become a member in full standing of the Senior class, that of 1837, his own class having been graduated in 1835.

Both morally and mentally Dana was at this time in a highly receptive condition. It could not well have been otherwise, inasmuch as for more than two years during the most germinating period of life his mind had been lying fallow; and now he had come back in a state of intellectual famine to books and study and intercourse with educated men. His faculties for enjoyment had been stored up, and life to him was all fresh and strange and young. He took a keen delight in everything, — in people, in places and in books. Not that he was in the slightest degree the traditional sailor on shore, for Dana was ingrained a gentle-

man; but, though pleasures low and coarse had no attraction for him, he saw things vividly, and he felt keenly. He was by nature reticent and secretive when he felt much, so he never wore his heart upon his sleeve; but at this period enjoyment made his aspect bright, buoyant and attractive. Indeed, it was to this buoyancy of temperament and susceptibility to impressions that he owed his early success, both literary and professional. He saw things clearly, they impressed themselves vividly upon him, and he wrote or spoke of them as he saw and felt.

By those who remember him at this stage of life he is described as a broad-shouldered and erect young fellow, though somewhat short of stature, wearing a profusion of brown, curling hair, which he allowed to grow longer than is customary with men; his mouth was firm and strong, and a singularly attractive smile when he was pleased or interested, which he retained to the end of his life, revealed a set of handsome, regular teeth. Robust, overflowing with physical health and animal spirits, the chances were large that coming suddenly back from the forecastle to society, the long pent-up hunger for intellectual food and capacity for enjoyment would evince themselves in some pronounced form. They did so; but in a way which would under the circumstances least have been expected. His mind turned to religious thought.

The Dana family belonged by descent to the first Orthodox Congregational parish of Cambridge, — to the church over which Thomas Shepard, that "silver trumpet," of whom Cotton Mather wrote, "his life was a trembling walk with God," had first presided; and when the Unitarian schism took place in 1829, the Danas, though relatives of Channing, were among that seceding majority of church members who, clinging to the ancient faith of New England, abandoned the meeting-house of their fathers to the larger party in the parish, and went under the lead of their pastor to worship temporarily in the court-house. This

heated controversy left its scars on the Dana family as well as on the Cambridge parish; for years afterwards, referring to the family letters written him while at school at Westford which he had then been looking over, he wrote as follows to his wife: —

1849. *August* 4. Those letters bring up our childhood so pleasantly and oddly, they are very interesting. I want you to read them. They show how we lived, acted, felt, before the demon of Calvinism and Revivalism got hold upon the family. It looks as though we might have been trained up a cheerful, kindly affectioned, religious household, with our pleasures and friends about us. But the flower of our youth from twelve to twenty was under a cloud. The clouds had rolled off, and we were getting into light and warmth again after we moved to Boston [1835]; but the effect of those years on us all, and especially on —— and Father, never can be quite erased.

Subject to influences like these, it would have been strange indeed if from time to time during his school-life young Richard, like most boys of ingenuous nature, had not passed through periods of spiritual awakening, — times when the conscience stirred. When he went to sea, he became as the sailors he was with. As he wrote subsequently, "During this voyage I had but one time of serious impressions, and that was when lying sick in my berth off Cape Horn, amidst the ice and in momentary danger of death. I knew that the very next wave might send the vessel against ice which the fog hid from us, and which might destroy us in an instant. I lay, too, in my berth in the forecastle just where the vessel would strike if at all. In this state I prayed and vowed to God; but it was strange, and did not go to the root of the evil; and the next day I forgot it."

Shortly after his return home an incident occurred which affected him greatly. One of his friends fell ill, and, while in that state of acute religious excitement which not unfrequently occurs in presence of death, often spoke of Richard Dana, expressing great fear as to his spiritual welfare; and this was subsequently repeated to him. It was such a thing as might have happened in the life of any young man, and under ordinary circumstances would have made no lasting impression: but coming as it did in Dana's case, at a time when the mind and moral nature were in a peculiarly sensitive state, it was a call. His thoughts turned strongly towards religious topics and observances, and the awakening was a continued one. Unitarian preaching, as he expressed it, "went over his head." Orthodox preaching appealed to his intellect, but shocked his instinct; while it sounded like the knell of judgment, it had none of that visible form and outward state which were needed to satisfy his eye, his ear and his imaginative sense. So, presently, he joined the Protestant Episcopal Church, and through the remainder of his life he continued in public and in private a devout, conscientious and strictly observant Episcopalian. Confirmed at St. Paul's, he later belonged to the Boston parish known as the Church of the Advent, of which he was, as will presently be seen, an original member, and always a burning and a shining light.

In December, 1836, Dana joined the Senior class at Harvard, remaining with it until graduation, a period of only six months; but they were months of such enjoyment as is rarely given to an under-graduate. Both physically and mentally he was matured. He lived no longer in a crowded forecastle, but in a room by himself in the southwest corner of Hollis, and the lot of a college student struck him as the pleasantest possible. He felt none of that desire to be done with school, and the eager longing to begin what is called life, which destroys for so many the pleasure of the most enjoyable years which life affords. On the contrary, he

could not understand the indifference and fastidious dissatisfaction of his acquaintances. Devoted to his studies, he took one of the Bowdoin prizes for English prose composition, and the first Boylston prize for elocution; he was also a member of both the Porcellian and the Hasty Pudding clubs. His marks made him first scholar, but as at graduation he had been with his class less than a year no special rank was given him, though at commencement he was assigned the part which usually fell to the fifth scholar. Of his performance Dr. John Pierce of Brookline, then attending his fifty-third commencement, wrote in his journal: — "A dissertation by Richard H. Dana, son of R. H. Dana and grandson of the former Judge Francis Dana, was on the unique topic, 'Heaven lies about us in our Infancy.' He is a handsome youth, and spoke well. But his composition was of that Swedenborgian, Coleridgian, and dreamy cast which it requires a peculiar structure of mind to understand, much more to relish."[1] The "unique topic" was from Wordsworth, and was suggested to Dana by Professor Channing, who, when asked for a subject, read this line from the volume he chanced to have open in his hand.

Dana had always assumed he was to be a lawyer, though he felt no call to the profession; and, in fact, had imbibed from his father an almost morbid dislike of it as hard, dry and uncertain. Still his ancestors had been distinguished lawyers, and he had a distaste for every other learned calling, except divinity, for which, as he afterwards wrote, he did not feel himself fit. Under these circumstances it was most fortunate for him that, instead of entering an office, he went immediately after graduation into the Dane Law School, over which Judge Story and Professor Greenleaf then presided. "Free," as he expressed it, "from all the details, chicanery and responsibilities of practice, we were placed in a library under learned, honorable and gentlemanly instructors, and invited to pursue the study of jurisprudence, as a system of philosophy. From the very

[1] *Proceedings of Mass. Hist. Soc.*, January, 1890, p. 219.

first recitation it became exceedingly interesting to me, and I have never yet found it dry or irksome."

Of the surpassing excellence of the Cambridge Law School at this period, and of the high professional spirit there fostered, Dana always spoke with warm admiration. Of some of the young men then associated with him he a year or two later wrote as follows: —

The most successful speech made at the school during the whole time I was there, was made before a jury of under-graduates, Judge Story on the bench, by Wm. M. Evarts. A law argument which he introduced into it, addressed to the Court, was the most complete, systematic, precise and elegantly spoken law argument I have ever yet heard, including many arguments of our most distinguished counsel before our highest courts. Evarts' jury argument was very well done, but Wm. Davis of Plymouth, who was his opponent, did quite as well to the jury. Evarts' was the best law and Davis' the best jury argument I heard in the school. When charging the jury, Judge Story said he must rule the law in certain points against the defendant's counsel (Evarts) though they had been argued to him "in a manner to which I cheerfully do homage." Judge Story always complimented liberally, but never went so far as in this instance. Indeed, Evarts has been a peculiar young man at school, college, and in his professional studies. If he does not become distinguished, he will disappoint more persons than any other young man whom I have ever met with.

While at the Law School Dana was also instructor in elocution in the college, having received the appointment in January, 1839, declining at the same time the position of

proctor on the ground that it involved a supervision over the conduct of the students. As instructor in elocution, he was the assistant of his friend and relative Professor Channing, whose methods are still well remembered by the students of those days. In after years Dana had many anecdotes of Channing which he was fond of telling, and to one of them his feelings as a strong churchman not impossibly lent additional zest. The students were declaiming before the professor and his assistant, when the piece selected by one of them seemed to excite peculiar disapprobation on the part of Mr. Channing. For a time he simply muttered to himself, "Poor stuff, very poor stuff!" — and let the thing pass; but presently he whispered to his assistant, "What is this, Richard? It is wretched stuff." Without turning his eyes from the declaimer, Dana whispered back, "A selection from your brother, William, sir."

For Professor Channing, Dana always entertained a most sincere and affectionate regard, and later, in 1856, when a volume of selections from his old instructor's writings was published, his former assistant in elocution furnished for it an appreciative biographical notice. This sketch and little volume are indeed about all that now remain to commemorate forty years of professorial labor which did much to influence, not always for the best, the rising literary development of New England. Though his taste was correct, the methods of Professor Channing were not calculated to excite youthful enthusiasm for letters; and a generation of students carefully taught to fear and eschew literary enthusiasm is not likely to achieve any marked degree of lettered excellence in life. Men as a rule outgrow their youth fast enough, and there is no occasion artificially to hurry the process by a constant application of the last of the two precepts which Archbishop Manners Sutton is said to have laid down for the guidance of Bishop Heber.[1]

[1] "Place before your eyes two precepts, and two only. One is, Preach the gospel; and the other is, — *Put down enthusiasm.*"

In February, 1840, Dana resigned his position in the college and left the Law School, entering the office of the late Charles G. Loring, at Boston, to obtain a knowledge of practice.

He had meanwhile found time to write out the notes of the journal which he had kept during his voyage. He must have worked hard to do it, for not only was he earnestly devoting himself to the law, but he was hearing under-graduates rehearse their exhibition parts for sometimes half a dozen weary hours a day. Before he left the school the manuscript was done, and he then read it to his father and Washington Allston. Both of them advised its publication. Dana himself was now twenty-five years old, and wished to marry; but he had no means, nor had he yet been admitted to the bar. So far as his book was concerned, therefore, while he was sincerely anxious to enlighten the public on the real situation of seamen in the merchant marine, he had other and more material considerations in mind: should the story of his voyage prove a literary success, it would be of use to him in securing a share of maritime practice.

As a young and unknown author what he most wanted was a large sale, and this he was advised the Harpers of New York could probably secure for him better than any other firm. Accordingly he sent the manuscript to William Cullen Bryant, an old friend of his father's, asking Mr. Bryant, after looking it over, to make an arrangement if possible with the Harpers. Then followed a long, vexatious negotiation, which left on Dana's mind a sense of unfair treatment that time only effaced. The Harpers sent the manuscript to Alonzo Potter, afterwards bishop of Pennsylvania, then acting as one of their readers, and Bishop Potter, meeting Dana in England many years later, told him that he had advised its purchase at any price necessary to secure it. Acting on this recommendation, the Harpers offered to buy the work, but positively refused to allow the

author an interest in the profits or percentage of the sales. Both Mr. Bryant and the elder Dana, who chanced to be in New York, struggled hard on this point; but were forced to yield. It next became a question of the amount to be paid for the manuscript. Mr. Bryant suggested $500. The Harpers offered $250. At this point the elder Dana retired to Boston, leaving the burden of further negotiation with Mr. Bryant, who finally pleaded hard for $300; but the Harpers were inflexible, and again carried their point. So, for one of the most successful American books of the century, and the best book of its kind ever written, the author received two dozen printed copies and $250 in money.

The whole transaction was, on the part of the Harpers, conducted on hard business principles, lacking that little element of courtesy and personal consideration to which, in view of the recognized literary eminence of his three sponsors, Allston, Bryant and his father, the young author probably felt himself fairly entitled. Dana was, also, peculiarly sensitive to haggling treatment of this sort; which struck him, moreover, in marked contrast with that which he a little later received from English publishers. On the other hand, the Harpers afterwards did not treat the copyright as if they considered it of great value, inasmuch as for long periods of time the book was not to be found in the shops. At last, in 1868, the original copyright expired, and Dana then brought out that "author's edition," with a concluding chapter entitled, "Twenty-four Years Later," and this edition has not since been permitted to go out of print.

The success of "Two Years before the Mast" was immediate, though, contrary to Dana's understanding and an additional cause of grievance, it appeared only in the two series known as Harper's Family Library and the School District Library; but it so chanced that both of two copies sent to England, one by Charles Sumner and the other by Miss Appleton, who afterwards married the poet Longfellow, by a strange coincidence found their way to Moxon,

the London publisher, who brought out an English edition, and subsequently sent to the author not only presentation copies, but a sum of money larger than the Harpers had given him for his manuscript. Other foreign editions followed, and kindly words of appreciation presently reached Dana from Rogers, Brougham, Moore, Bulwer and Dickens; and when, a year later, Lord Morpeth visited this country, the young author of "Two Years before the Mast" was one of the first persons he asked to see. Thus Dana's English reputation exceeded his reputation at home; a fact keenly appreciated by him. Nor, as will presently appear, was this English reputation merely ephemeral. On the contrary, fifteen years later it secured him a social reception during the London season of 1856, which was probably the most agreeable episode of its kind in his life.

In the summer of 1841, a year after the publication of "Two Years before the Mast," Dana brought out a second book, entitled the "Seaman's Friend." It was a treatise on seamanship and the laws regulating the relations of the ship's company, intended for practical use whether on shore or afloat. This was published by Little & Brown in a small volume of two hundred and twenty-five pages, and by Moxon under the title of "Seaman's Manual." Written with all the clearness of style of "Two Years before the Mast," it had a considerable sale, and is still useful and readable; but it was not a book intended for wide circulation.

In September, 1840, Dana opened an office and began the practice of the law. Although hardly dry from the press, his book was already in the hands of many readers, and brought to him a certain amount of maritime practice of a kind neither very attractive nor very profitable; but still it was practice. In those days, and indeed long afterwards, his office was apt to be crowded with unkempt, roughly dressed seamen, and it smelled on such occasions much like a forcastle; but he was young and in earnest, and to a young lawyer anything is preferable to that unbroken waiting

which is apt to mark the beginning of professional life. In Dana's case this tedious period of probation was exceptionally short, if, in truth, he can be said to have experienced it at all; and so rapid was his progress that, having begun in September with a desk in an office occupied jointly with another person, in November he took two rooms for himself in the old State House building, and increased his working force by the addition of a student.

The results of his first year at the bar were so satisfactory that, though wholly dependent on himself for support, Dana felt justified in venturing on marriage, he having for some months been engaged to Miss Sarah Watson, a daughter of William Watson of Hartford, Conn. Nearly three years before, in the summer of 1839, this young lady had visited Cambridge in company with her elder sister and her maternal aunt, Miss Marsh, a daughter of the Rev. John Marsh of Wethersfield, Conn., and had there passed some time with the family of President Willard, with whom they were on terms of great intimacy. In his day Mr. Marsh had also been a valued friend of old Chief Justice Dana. The friendship of the parents had been continued by the children, and for a time after leaving the Willards Miss Marsh and her niece were the guests of the Danas at their house in Chestnut Street, Boston, where Richard Dana was passing his vacation. The younger people were naturally thrown a good deal together, and the friendship thus formed in due time ripened into an engagement of marriage.

Though belonging on both father's and mother's sides to old and respected Connecticut stock, so far as worldly possessions went Miss Watson was no better off than Dana himself, nor did she have any family connection in Massachusetts. It was a healthy, natural case of young people of slender means marrying simply because they were attached to each other, and had perfect confidence in their ability to face the world and take care of themselves.

They were married in Hartford on the evening of

Wednesday, August 25, 1841, and the next day started for Boston. After spending one week in Rockport they returned to Boston and work early in September, establishing themselves in permanent quarters at the United States Hotel. "Our parlor," as Dana wrote, "is in the third story, southeast corner, and has a beautiful view of the harbor, and of the country round Milton, Dorchester and Roxbury. At night we see both the light-houses."

Dana at this time began to keep a journal, a practice in which he persevered more or less regularly until the year 1859. As he became engaged in the severe professional work of a lawyer in full practice, he found little time to make the entries, and the intervals between them grow longer and longer; but for the first few years the record is regular and detailed, and his quick eye and power of vivid description made what he wrote far more worthy of preservation than is apt to be the case with diaries, which are, as a rule, neither interesting nor agreeable reading when they relate to one's own life, and become fairly intolerable when they relate to the lives of others. In the case of Dana the story of the succeeding years is best told in his own words.

The diary begins in December, 1841, a little more than three months after the writer's marriage, and the first entry relates to a dinner at Mr. Abbott Lawrence's in Park Street, in honor of Lord Morpeth.

The company all arrive punctually between quarter before five o'clock and five minutes after. While in the room observe that Sumner now and then whispers to Lord Morpeth the names of persons as they come in, and tells him whether he has met them before. I was talking with Lord Morpeth, when Sumner said in a low tone, "That is Mr. Quincy, — the tall gentleman, — whom you have met. The other gentleman not, a Unitarian clergyman," etc. Accordingly Lord M. meets Mr. Quincy half way,

with "How do you do Mr. Quincy," etc. This is very convenient.

Among the company on this occasion were Judge Story, Harrison Gray Otis and George Ticknor, besides Sumner and Dana, both of whom then ranked as younger men. As the dinner was a somewhat exceptional affair Dana made elaborate notes of it, and he was especially impressed by Harrison Gray Otis, then the recognized head of social life in Boston.

Mr. Otis was in his best vein, and we young men could easily believe that he had been in his prime the best conversationalist in the land. Judge Story talked more, but tediously and without the variety, brilliancy and tact of Otis. Otis never speaks a word without having the attention of the whole table. Indeed, as soon as a word comes from him, all stop speaking. He addresses his conversation to all, and has something which will take the attention of each. Hardly a person present whom he does not bring in, and in a complimentary manner. Judge Story argued like a lawyer and prosed like a bookworm. Otis never forgot that he was a gentleman dining out. . . . Lord Morpeth kept clear of American politics, and would say nothing unfavorable of our country, — even of our repudiation. There was plenty of high conservatism talked, and by no one more than by Judge Story, who began life a radical.

December 18. Went with S. to hear Braham. Very grand and very touching. He sang Luther's Judgment Hymn with a power that was stupendous. I could not conceive of the human voice as being capable of such compass of sound. In the opening to the Creation he was accompanied by trombones

and trumpets. There was a choir of fifty, and a full band with an organ. What grandeur and majesty in the effect! Nothing takes us out of ourselves, our every-day sphere, so completely as music.

1842. *January* 18. Nothing talked of but Dickens' arrival. The town is mad. All calling on him. I shan't go unless sent for. I can't submit to sink the equality of a gentleman by crowding after a man of note.

26. Letter from T. Colley Grattan ("High-ways and By-ways") saying that Dickens wishes to see me, and is surprised that I have not called before, and fixing two P. M. for a call. At two P. M. call at Tremont House and am told that he is engaged. Send up name and am shown up. Kept disengaged on purpose to see Longfellow and myself. Talk a few minutes when Longfellow comes in with Sumner. Disappointed in D.'s appearance. We have heard him called "the handsomest man in London," etc. He is of the middle height (under if anything), with a large, expressive eye, regular nose, matted, curling, wet-looking black hair, a dissipated looking mouth with a vulgar draw to it, a muddy olive complexion, stubby fingers, and a hand by no means patrician, a hearty, off-hand manner far from well-bred, and a rapid, dashing way of talking. He looks "wide awake," "up to everything," full of cleverness, with quick feelings and great ardor. You admire him, and there is a fascination about him which keeps your eyes on him, yet you cannot get over the impression that he is a low-bred man. Tom Appleton says, "Take the genius out of his face, and there are a thousand young London shop-keepers about the theatres and eating-houses who look exactly like

him." He has what I suppose to be the true Cockney cut.

He inquires for father, and wonders he has not been to see him. Offers to call on him if he is unwell.

27. Dine with Dickens at F. C. Gray's. Present, Prescott (Ferdinand and Isabella), Sparks (Life of Washington), Mr. Ticknor, C. P. Curtis, Alexander, etc. Like Dickens here very much. The gentlemen are talking their best, but Dickens is perfectly natural and unpretending. He could not have behaved better. He did not say a single thing for display. I should think he had resolved to talk as he would at home, and let his reputation take care of itself. He gave a capital description of Abbotsford. It was enough to make you cry. He described the hat Scott wore in his last illness, and the dents and bruises there were in it from his head falling against his chair when he lost the power of his muscles. It was heart-sickening. "And to think of a man's killing himself for such a miserable place as Abbotsford is," adds Dickens.

C. P. Curtis asks him if there were any such magistrates in London as Fang in "Oliver Twist." Dickens says, "One just such, and many more like him," and tells us that his Fang is a portrait of a magistrate named Tang, who was sitting when the book appeared, and that he was removed by the Home Department in ten weeks after the publication, upon a thorough inquiry. . . .

Poor Sumner can't take a joke of any kind. He is as literal as a Scotch guide-board. Ticknor is a thorough man, — armed at all points with information, and using it with great readiness. . . .

February 1. The great "Dickens dinner." Josiah Quincy, Jr., presides, and capitally. Excellent speeches. Hillard is fervid and interesting, though a little overdone as usual, yet eloquent and touching. Bancroft is heated, intense, striking, yet long-winded, wandering, and out of temper. Stevenson is amusing. Edward G. Loring, commonplace in a very respectable and rather elevated way. Grattan decent. Mr. Quincy (senior) very well indeed. Mr. Allston's toast went off famously. Dickens spoke excellently. I never heard a speech which went off better. He speaks naturally, with a good voice, beautiful intonations, and an ardent, generous manner. It is the speaking of a man who is no orator, but says what he wishes to say in a manner natural and unpractised. Grattan called me out. I thought it might happen, and was partially prepared. The audience thought that I was taken by surprise, and I got more credit than I deserved.

February 5. Called on Dickens at 10.30 A. M. by appointment, as he leaves at one. He was at breakfast. Sat down with him. He was very agreeable and full of life. He is the *cleverest* man I ever met. I mean he impresses you more with the alertness of his various powers. His forces are all light infantry and light cavalry, and always in marching order. There are not many heavy pieces, but few *sappers and miners*, the scientific corps is deficient, and I fear there is no chaplain in the garrison.

Mrs. Dickens appears to be an excellent woman. She is natural in her manners, seems not at all elated by her new position, but rests upon a foundation of good sense and good feeling.

April 2. Left the United States Hotel and came

to Roxbury to spend the summer. Board with Mrs. Atkins in Cedar Street. She is a widow, who lost her husband in less than a year after marriage. She is melancholy, but of an excellent, unaffected character and religious feeling and experience. This situation is extremely pleasant, being amidst rocks and cedars and quite retired.

April 17. *Sunday.* Sermon at the Congregational Church from Rev. Thomas Lawrie, missionary to Syria. Subject, "Abraham's offering up Isaac." This is the first sermon that ever brought tears into my eyes. I am easy to shed tears over a book, or upon any event in life when thinking it over alone, but no speaker ever brought them into my eyes before. It was only for an instant. No one would have perceived it. It was at the words "his message home to his mother," when describing the last words of Isaac. It was more the simplicity, sincerity, and unaffected deep feeling of the preacher together with his innocence of all rhetoric that produced the effect.

Though Roxbury was then a quiet country town almost remote from Boston, a summer life in it afforded Dana no relief from business and office cares. Accordingly when at midsummer the vacation time arrived, feeling somewhat the worse from hard work in hot weather, he determined to take a short trip to the British provinces on one of the Cunard steamers, which had then been running to and fro between Liverpool and Boston, stopping always at Halifax, for two years. Of this trip he wrote as he went along a most minute account, which is still interesting from its graphic description of persons, incidents and places.

July 16. *Saturday.* Being completely run down by fatigue from warm weather and hard work, deter-

mined to make a trip to Halifax, solely to change the scene, to get away from the care and toil of business, to relax my mind completely, and to get upon salt water once more.

Set sail, or *made steam*, at five P. M. in the steamship Caledonia bound to Halifax and Liverpool. . . .

Baggage on board, business left with Ned and Mr. Peck, fine afternoon, a noble vessel filled with passengers, and we are off for Halifax. Among the passengers are Mr. Chas. Lyell, the geologist, Franklin Dexter, United States District Attorney for Massachusetts, a gentleman of high spirit, elegant accomplishments and manners, on a tour for the same purposes with myself, and Mr. David Eckley of Boston, merchant, on a fishing expedition. Also, Mlle. Fanny Ellsler, the celebrated opera dancer, and her attendant Mme. Wychoff. We (Mr. Dexter and I) made the acquaintance of Geo. R. Young, a lawyer of Halifax, who was on board, and who treated us with great civility.

No sooner had we got outside of the light-house and the cool, salt night wind of ocean came over us than I felt myself a new creature. It was damp and a little foggy, but I stayed on deck until nearly one o'clock on Sunday morning, walking to and fro and snuffing up the breeze and offering my whole system to its invigorating influence. I was on deck again before sunrise, and walked deck until breakfast time, which was nine o'clock. . . .

On Monday morning we were off Cape Sable, and before noon were going up Halifax Harbor. There was a set of young men on board who very early attracted my attention. They were tall and well-made, with easy, natural manners, polite to all, but keeping

rather by themselves, and dressed in the roughest travelling clothes. I soon learned that they were men of birth, and one of them a nobleman, Lord Herries. The handsomest of them, and a darling fellow he was, was Charles Sheridan, grandson of Richard Sheridan, and brother of Lady Seymour. Tall, straight, with well-formed limbs, full of activity and spirit, dressed in a sailor's hat, jacket and trousers, but with a decidedly genteel air, he seemed the very impersonation of youthful health and spirit. Another of the set was Baron Geyle, a young German nobleman, and Mr. Adams, late of one of the English South American embassies. Sheridan found me out as the author of "Two Years," and I was soon in their company. We talked politics a little, and I had hard work to defend my country. The African slave-trade, our own slavery, repudiation, loco-focoism, the Rhode Island rebellion, encouraged by the chief magistrates of other states, etc., the rule of faction, removals from office for party purposes, availability, etc., they were familiar with, and so was I. I had nothing to say. A New York radical was present, and he said, among other things, that all our office-holders were the servants of the majority, and that if a customs officer or a postmaster charged him more than he thought he ought to, or refused to accommodate him, he had only to say to him, "Sir, recollect I meet you at the polls." I denounced this doctrine, and told the Englishman that it was a specimen of those principles which threatened us harm, but that there was a sound conservatism in the people which would save us. Thereupon the radical replied that I was in favor of aristocracy and conservatism, and the reason was because I belonged to an old

family, known in the history of the country, and wished to see family privileges. His politeness was only to be equalled by his principles. . . .

July 22. Took leave of Halifax, its citadel, its barracks, the basin, the York redoubt, as we went down the harbor. The object of my visit had been answered. I had cleared my mind completely from business and cares, and by complete relaxation, with out-door exercises, had restored the healthful and active tone of my system. I had refused all invitations to public places, to dinners, parties, etc., and none of us delivered our letters of introduction, for we found that we could not go fishing all day, and then, sunburnt, tired and blackened, dress for a party in the evening. I had resolutely kept from books, and although I had books in my trunk and many leisure hours, yet I made a principle of not looking at them, and loafed or walked about the streets or slept instead. Every morning before breakfast I walked either over the citadel, which was the grandest fortification I ever saw, with a fine commanding situation, or to the Government House, or barracks.

We were no sooner round the point and out upon the deep sea than the wind blew very heavily, and a violent sea arose. Nearly all the passengers were sick, and one of them, Mr. Eustis Prescott, who had been my fellow-passenger from Boston and was now going to Liverpool, Nova Scotia, told me that he had crossed the Atlantic frequently, but had never lost a meal from sea-sickness before. The worse the weather the better I felt, and having clothes suited for all weathers I remained on deck nearly all the time, walking to and fro, and enjoying the consciousness of health, strength and activity, increased by the bra-

cing sea air, and heightened by the contrast presented by those about me.

After tea, and about ten P. M., we touched at Lunenburg, and landed and took off a few passengers. . . .

July 23. Saturday. Arrived at Liverpool about seven A. M. As we were to stay an hour, went ashore and walked through the town. The town is built upon a single street running by the side of the river, winding along, and the houses have pretty garden spots before or by the side of them, and are painted, neat and comfortable in appearance. It is quite a pretty village of about 2,000 inhabitants, I should judge.

Stood out again to sea, bound for Shelburne. About three o'clock stood up Shelburne Bay. This bay is said to be the best in Nova Scotia, being very extensive, deep and surrounded by well-wooded country in many parts. The town of Shelburne is situated at the extreme end of the bay, and presents a remarkable instance of decay. It was founded by a large company of royalists who fled from the United States at the breaking out of the war of '75, and who selected this site on account of the excellence of the harbor. Here they built a town, planted farms, built vessels, and engaged largely in privateering, the carrying trade, and other modes of active industry by land and sea. There being a good deal of wealth among them, the town was handsomely built, and large capital was embarked and set in motion. For many years the town grew and flourished, but the general peace which followed the battle of Waterloo threw it upon its regular legitimate resources for trade in times of peace; and from that time the downward progress of the place has been uninterrupted. The reasons for this were that it has no

back country to support it, and for which it would be the natural market and seaport, for it is situated at the end of the peninsula of Nova Scotia, with Halifax above it to cut off its commerce; and because it lies so far up the bay that it is little used as a port of supplies or a fishing station. In fact, the world seems to have given it the go-by entirely. With as beautiful a harbor as the face of the globe can show, and with large capital to assist it, it stands as a warning to all who disregard the regular course of things in the affairs of men and attempt to counteract it by particular and local efforts. As we steered slowly up the bay the captain of the boat told me that its shores had once been lined with beautiful farms, and that the forlorn, unpainted houses which stood here and there without a fence near them or any signs of cultivation, and used as the dwellings of fishermen, were once the abodes of substantial farmers who tilled their acres, supplied the town, and sent their produce to other countries. He said, too, that as fast as the older and more wealthy men died off or left, their houses were taken to pieces, exported, and put up again in other places, and that in this way all the best part of the town had been gradually moved off. This accounted for the fact that in a town which had diminished to one quarter of its size within twenty years there should be no ruinous large houses. Throughout this wide sheet of water, spreading out like a large inland lake, not a sail nor a moving craft was to be seen. Had we been its discoverers we could not have gone over in more perfect stillness. As we drew nigh the town we saw a single vessel, a little fishing schooner, lying at anchor off the wharves, while rotting by the side of the wharves, themselves

decaying as rapidly, lay two small vessels, condemned for old age. We rang our bell as we made fast to the wharf, and its echoes awaked the dead stillness about us like the fire bell at night. The persons who came down to the wharf were children or old women. I believe but one or two men came, and they seemed decrepit and laid on the shelf. As we were to stay here a half hour, I went ashore to walk about this singular place. As the captain had told me, there was not a large house in the town ; they had all been moved off, and the cellars under them had gradually filled up and been grown over with grass. The streets could not be distinguished except by the lines of houses, as carriage way and sidewalk were alike grown over with grass. Not a vehicle of any description was in motion, nor was there the sound of a blacksmith's hammer nor of the carpenter's axe in the place, but the dead stillness of a Jewish Sabbath reigned over the whole region. Excepting the inimitable accumulation of images of decay in the last chapter of Ecclesiastes, and part of Burke's description of the Carnatic, I know of nothing in descriptive literature which the sight of this place called to my mind. The doors were indeed shut in the streets, the pitcher broken at the fountain, and the wheel broken at the cistern. As we walked through the deserted streets, carefully laid out at right angles, hardly a person rose up at the footsteps of strangers, and half a dozen men, strangers, walking about on a Saturday afternoon, hardly drew a face to the window, or brought a boy or girl to the door. No trade or occupation of industry of any description seemed to be carried forward, nor was there a house of entertainment or a shop in the entire settlement. In one win-

dow we observed some thread, papers of pins, and a few weather-stained articles, but the door-step was almost inaccessible, and there seemed to be no one in the room.

The ringing of the second bell called us aboard, and we cast off from this paralyzed village without having landed or taken on board a single passenger. The captain said he should represent to the company the expense and waste of time in coming up this long bay, and see if they would not dispense with these formal visits.

The dress of the people we saw was very antiquated and strange, and the stillness of the place seemed to have crept over the spirits of the inhabitants. I should hardly have been surprised had I been told that the children were deaf and dumb.

The bay looked beautifully as we steamed down it, toward sunset, and we rounded the point and were out upon the ocean before nightfall.

CHAPTER III.

EARLY LIFE AT THE BAR.

THE following letter written by Dana, shortly after his return from his Nova Scotia trip to his wife's brother-in-law, the Rev. Oliver Ellsworth Daggett of Hartford, Conn., is still not without its value. Political feeling then ran high, for John Tyler had gone over to the Democrats, and yet Webster continued to hold his seat in the Cabinet, from which all his Whig associates had withdrawn in obedience to the behests of their recognized party leader, Henry Clay. Webster felt his isolation keenly, and in defence of his course had made that speech in Faneuil Hall on the 30th of September in which he propounded his famous query, "If you break up the Whig party, where am I to go?"

The letter not only breathes the political excitement and admiration of Webster which then pervaded Boston, but it also sheds some rather interesting light on Dana's professional success as measured by his income. It must be remembered that those were days of comparatively simple habits, and a professional income of $2,500 a year seemed much larger then than now; yet as the fruits of a second year at the bar it would to-day in Boston, or indeed in New York or in London for that matter, be looked upon as an exceptional success. The lectures referred to in the closing paragraph of the letter were two, "The Sources of Influence," and "American Loyalty," which Dana had prepared while in the Law School for delivery before the lyceums of towns in the neighborhood of Boston. The income derived from this source was not large, but the experience was

worth something, for the lecturer was brought in close contact with popular audiences : —

Boston, *October* 3, 1842.

Dear Sir, — I am sending you Webster's speech at Faneuil Hall, and cannot forbear asking you to read it, and let your wife and Mary and Mrs. Watson and the ladies at Wethersfield read it also, for I fear they have been a little tainted by the talkers about party and Clay and political ability, etc.

Webster seems to me to be the only *statesman* in the country. By the side of him, all the rest appear mere *push-pin* politicians or else visionaries.

The printed speech will give you but a faint idea of it. You can't put Webster into print any more than you can put him into my coat and waistcoat. The speech has produced a tremendous excitement here, we have never had anything more astounding and unexpected in the political line. Yet it is a speech powerful to the edifying of statesmanship, patriotism, and national honor, and to the confusion of small party politics and president-making.

All sound, conservative, honorable men, who are not already committed too far to be impartial, are encouraged and gladdened. Those who heard the speech — friends and foes, contents and malcontents — all say it was prodigious. Words and emphases, gestures and expressions of countenance, which are lost in print, brought forth acclamations with the certainty and instantaneousness of an echo. It was a tremendous blow. Every paragraph and every sentence told. I could not go ; but Ned and Mr. Peck have been off their legs ever since. Mr. Peck thinks he may depart in peace having seen the glory of a great man in his greatest action.

To appreciate the effect you must know that the leading Whig papers (of the Clay party, I mean) had been calling upon Webster to resign, and that the "Atlas," our foremost Clay paper, had that very morning predicted that Webster would take this occasion to abandon the government publicly and fall into opposition, and denounced terrible things if he did not.

The prevailing impression upon those who heard Webster, was of a noble spectacle of intellectual and personal grandeur and loftiness. As a friend of mine said: "There was no chance for anything small, anywhere near him."

> "Deep on his front engraven
> Deliberation sat and public care;
> And princely counsel in his face yet shone,
> Majestic . . . sage he stood
> With Atlantean shoulders fit to bear."
> . . . . . .

Ned says that "a sublime sadness" sat upon his countenance.

You will excuse my saying so much about this speech; but nothing else is talked of among us. You will observe that there is not a single ornament or flourish of rhetoric in the whole.

When I was in Hartford, you asked me about my income, etc. I have since heard that there is a report there that I am making a fortune. It is very bad to have such reports, as they lead persons to expect things of one which he cannot do, and which his not doing may make prejudicial to him in their estimation. I have just closed my accounts and tell you (that you may set any one right who has such a notion, without giving the particulars however of

course) just how they stand. The net profits of my business for the year ending October 1, 1842, have been $2,138. My expenses have been but a few dollars short of $1,600. I have also made a little less than $200 by lectures and articles, which are not included in my business. My expenses next year will, of course, be larger, by at least one quarter, than the past year. This is the extent of the fortune I have been making.

1843. *January* 26. Lectured in the evening at Brighton. Was introduced to the audience as "'Squire Dany from Boston." The president also gave the audience notice that "a reformed drunkard, a New York woodsawyer, named Haddock, and an odd fish, with one eye, and lame," would address the people upon the subject of total abstinence. I dare say that there was more curiosity to hear him than to hear my lecture upon "The Sources of Influence." They attended well, however, but not one word was said to me when I got through. Either they did not like me, or did not know what to think. I did not speak with much faith, as my subject was abstract, and they seemed to be the most illiterate audience I had yet seen. They had no one to take my horse, and none of the usual civilities extended to a lecturer.

February 2. Rode to Milton to lecture in the evening. A clear, cold night, and I in an open sleigh. Went to the house of a Mr. Campbell, where my classmate, Dr. C. C. Holmes, is boarding with his newly married wife. Hence to the lecture-room. Two small hard-coal stoves, one on each side of the desk at which I stood, with a pipe running over my head, and a malignant heat coming from them, beating upon my brain, which to a person just from the

cold was particularly stupefying. Gave the lecture upon "American Loyalty." After I had done, a great many persons came up to me and expressed their hearty concurrence in its doctrines and their gratification at hearing them uttered.

In 1843 these lecturing trips were extended to Portland, Providence, New Haven, and Brooklyn; and in 1844 to Philadelphia, Baltimore, and Washington. But as law practice increased they were discontinued, and by 1845 had wholly ceased. None the less Dana was still the common sailor's lawyer, and his earnest advocacy of his clients' cause subjected him at times to slights and annoyance.

1842. *December* 14. I had sued Captain Perkins and his brother the mate of the bark Clarissa Perkins for assaulting two seamen named Singleton and Parsons. Singleton is likely to die of his wounds, so I made complaint, and had the captain bound over criminally. I was obliged to do this because the district attorney declined acting. I can conceive of no reason except that in arguing against Bryant he got his feelings settled in favor of the officers. Dehon, who defended Perkins, alluded to my forwardness in urging the complaint against the master as an interference. I took him to task for this, and we had a long talk which resulted in my feeling more affection and respect for Dehon than before. He is a good fellow and has honorable feelings.

I often have a good deal to contend with in the slurs or open opposition of masters and owners of vessels whose seamen I undertake to defend or look after. It is more unpleasant when this is retailed by the counsel. Young lawyers are apt to take up the excitement and prejudice of the clients, which they ought to allay and keep free from. I never have

trouble with the upper class of merchants, but only with the small grinding machines and petty traders who save by small medicine chests and poor provisions.

The affair of the brig Somers occurred at this time, and, though now almost forgotten, at the moment absorbed public attention. The Somers was a small, swift-sailing brig of war, belonging to the United States navy, of two hundred and sixty-six tons measurement. In September, 1842, she was sent to the coast of Africa with dispatches, under command of Alexander Slidell Mackenzie, a brother of John Slidell, afterwards United States Senator from Louisiana, and of Mason and Slidell fame in the Trent affair. Commander Mackenzie had for family reasons taken the name of an uncle, and was at this time about forty years of age, an officer of experience and repute, besides being favorably known as the author of biographies of Commodores John Paul Jones and Oliver Hazard Perry. The Somers, though pierced for fourteen guns, mounted only ten, and her crew consisted of twelve officers and one hundred and eight men, nearly all apprentice boys drafted from the North Carolina, then used as a naval school as well as receiving ship.

Among the officers was midshipman Philip Spencer, a son of John C. Spencer of New York, then Secretary of War in the cabinet of Tyler. Having finished her outward voyage, the Somers left Cape Palmas on the 11th of November for New York, intending to stop on the way at St. Thomas. On the 26th of November the details of a conspiracy devised by Spencer to seize the brig, murder the officers and have recourse to piracy, were communicated to Commander Mackenzie. He at first treated the matter lightly, regarding it as the foolish scheme of a worthless, crack-brained young man ; but the other officers were more alarmed, and at their instance Mackenzie, on the evening of the same day, caused Spencer to be arrested and put in

irons. A search among his effects brought to light some more or less compromising memoranda, and on the 28th of November, Samuel Cromwell, a boatswain's mate, and Elisha Small, a seaman, were also put under arrest, and on the 30th four others. Symptoms of sullenness, inattention to duty and disobedience to orders now beginning to appear among the crew, the officers became thoroughly alarmed, and the commander called on them for counsel. An inquiry was held on the 30th of November, and on the 1st of December the seven commissioned officers united in signing a formal document recommending the immediate execution of Spencer, Cromwell and Small, on the ground that "it would be impossible to carry them to the United States, and that the safety of the public property, the lives of ourselves and of those committed to our charge, requires that they should be put to death."

Commander Mackenzie concurred in this recommendation, and on the 1st of December the three prisoners were hung at the yard-arm. The Somers was then 525 miles distant from St. Thomas, at which place she arrived on the 5th of December and thence sailed immediately for New York.

That some sort of a conspiracy to seize the vessel had existed among a portion of the crew was proven; and it also appeared from his own admission that it originated with Spencer, who seems to have been a vicious, weak-headed youth in whom the piratical propensity amounted to a mania. It was nevertheless an open question in the minds of the public whether the danger was sufficiently imminent to warrant Mackenzie in having recourse to such extreme measures of repression. Immediately after the return of the Somers a court of inquiry was ordered, and subsequently Mackenzie was arrested by order of the Secretary of the Navy on the charge of wilful murder and tried by court-martial. The finding of the court of inquiry fully justified his action, and the court-martial pronounced each of the articles and specifications against him not proved.

December 29. All the world is talking about the Somers mutiny and the execution of Spencer. The prevailing opinion (I have not met an exception) is that Mackenzie will justify himself. I have little doubt of it.

1843. *January* 4. New York. Called on C. W. Hoffman at the Custom House, where he has an office. Talked over the Somers mutiny and Captain Mackenzie. He sympathizes with Mackenzie very much, and has a horrid idea of Spencer's father, the Secretary of War, whom he thinks capable of feeing the papers to attack Mackenzie.

Saw Mr. Ogden Hoffman, who invited me to go on board the North Carolina, and attend the court-martial.

Went with William and John [Watson] on board the North Carolina to see the court-martial. There, in the cabin, at the head of a table, sat Commodore Stewart, the president of the court, and at his sides, Commodores Dallas and Jones. At one end of the table sat Commander Alexander Slidell Mackenzie, and at the other Midshipman M. C. Perry (nephew of O. H. P.), who was testifying, and standing at the stove was Ogden Hoffman, judge advocate.

Mackenzie is a calm, resolute, plain, modest man of about forty, entirely without any swagger or assumption, and with the appearance of being careful and conscientious. I looked with no little interest at old Commodore Stewart, the veteran of the War of 1812–14, and the captor of the Cyane and Levant in the Constitution.

January 5. Having bid good-by to my dear friends on the night before, I rose early and reached the New Haven boat at seven A. M.

Passing the Navy Yard, I saw a man pointing out the Independence, sixty guns, as the Somers. I took an opportunity afterwards to ask him what vessel that was in the stream. He answered, the Somers, which gave me an opportunity to point out the Somers to him as the little brig lying in by the wharf. He could hardly believe it was so small. I made a point upon that in favor of Mackenzie.

January 10. Received a letter from Miss C. M. Sedgwick, desiring me to write to her a letter on the matter of Mackenzie and the Somers, which she might publish, giving a description of the appearance of the Somers, and such inferences from what I saw or heard as I had stated to them.

January 11. Answered Miss Sedgwick's letter with a long letter carefully prepared for publication.

14. Received the New York "Evening Post," with my letter in it favorably headed.

17. My Somers letter published in the "Boston Atlas," "Morning Journal," "New York Tribune," "Morning Post," etc.

As this "Somers letter" was characteristic of Dana, in many ways, bringing his legal training to bear on his nautical experience with the literary skill natural to him, it is worth while to reproduce it in full. It has, besides, a permanent interest, for it is the judgment of a man whose judgment carried weight on this painful episode in our naval history, in regard to which opinions then were, and will probably always remain, divided.

Boston, *January* 11, 1843.

. . . Short as my stay was, I could not refuse ——'s invitation to attend the court-martial, and to visit the little brig which had been the scene of the exciting tragedy.

We had a fine, clear, cold day, and the Brooklyn ferry-boat zigzagged us across the river, to avoid the floating ice, and a lively sleigh took us to the navy yard. The court is held on board the North Carolina, a large ship of the line, which lies moored a few rods from the wharf. A little wherry, in which were two sailors with the naval jacket and shirt collar, was passing and repassing by a tow-line or guess-warp, taking passengers off and on.

It was interesting and singular to see these poor fellows attending about a ship in which a court of great personages was sitting to determine whether a commander can string them up at a yard-arm at sea for a mutiny; and I felt a strong inclination to learn what impression the whole affair made upon them; but it would have been improper for me to touch upon the subject with them if I had had an opportunity, as I did not. The marine on guard at the cabin door let us pass, and we found ourselves in the upper cabin, and in the midst of the grave and rather imposing assembly.

A long table filled the middle of the room. On one side of it sat the three commanders who compose the court; Mr. Mackenzie sat at one end, Mr. Perry (the witness then under examination) stood at the other end; and opposite the court sat the clerk and Mr. Hoffman, the judge advocate. There were a number of auditors, and the reporters of the principal papers had a table to themselves. The clerk was reading Mr. Perry's testimony, and all was silent, so that I had a good opportunity for observation.

Notwithstanding my desire to see Mr. Mackenzie, my eye rested for some time upon the venerable president of the court, Commodore Stewart, one of the

Old Ironsides' heroes, and the manager of what always seemed to me to be the best manœuvred battle in our late war. He has a good head, and carries the appearance of a man who can command himself as well as others, and has that calm manner which usually attends one who feels that his reputation is settled. The whole court is one in which great confidence must be placed, for they have the name and appearance of possessing clear heads and right minds.

I next carefully observed the features and expression of the party on trial; for this case is one which receives its complexion very much from the character of the chief actor: the facts being such as can never come to us with the same force and meaning with which they came to him at the time. It is not questioned that he acted upon the best of his deliberate judgment. How is he qualified, then, in moral and intellectual character, for forming a judgment? — becomes an important question. On this point his appearance is very much in his favor. He is apparently about forty years of age, and I am told that he entered the service at ten, and he says he has served thirty years. He has every mark of a calm, self-possessed, clear-minded man, entirely free from any of that dashing, off-hand or assuming manner which sometimes attends the military button. I felt much confidence in him from the moment I had carefully observed him, and this confidence has increased by my being informed that he is more noted for conscientiousness, order and thoroughness, than for imagination or enthusiasm.

I remained but a short time, as I knew that I could read the evidence more carefully the next day

in the papers than I could get it while looking so many different ways.

From the North Carolina I went to the Somers; and here I must say that no one ought to form an opinion upon the issue of this conspiracy without first seeing the Somers. You have been on board a man-of-war, and you have, doubtless (as I find others have), formed your notions of the state of things in the Somers by what you have seen before. In the ships of the line, frigates, or sloops of war which you have visited there is great appearance of protection, defence, and imposing authority connected with the after end of the ship. There is a poop deck, a cabin built above the main deck, with doors and windows looking forward, a marine with bayonet and loaded musket at the door, another at the gangway, and others on guard at various parts of the ship, clear, roomy decks, a plenty of officers about, and the quarters of officers furnished with arms, and well guarded. But you must make a revolution in all your ideas upon these particulars to judge of the Somers. You would hardly believe your eyes if you were here to see, as the scene of this dreadful conspiracy, a little brig, with low bulwarks, a single narrow deck flush fore and aft, and nothing to mark the officers' quarters but a long trunk-house, or companion, raised a few feet from the deck to let light and air in below, such as you may have seen in our smaller packets which ply along the seaboard. You feel as though half a dozen resolute conspirators could have swept the decks and thrown overboard all that opposed them before aid could come from below. And in coming on deck (which seemed to me more fearful than anything else in the officers'

condition) the officers would have to come up the steps and through the small companion scuttles, at which a couple of men could easily have cut them down, or shot them as they appeared. The officers' quarters and the cabin are on the same floor with the berth deck of the crew, separated only by bulkheads, and there was not a marine on board to keep guard at the doors, in the gangways, over the spirit room, powder magazine, or arm chest. All these places, and others of hardly inferior importance, have to be guarded by the officers themselves, or intrusted to such of the petty officers and men as they could place confidence in. We were not permitted to go below, but I could easily believe that, allowing sufficient space between decks for the accommodation of the officers and men, the hold might be so occupied by stores, ammunition, ballast, and the numerous necessaries of a ship of war in actual service, as to leave no place where half a dozen conspirators could be safely confined, apart from the crew, even if retaining them on board at all had been possible. In short, no one at all acquainted with nautical matters can see the Somers without being made feelingly aware of the defenceless situation of those few officers dealing with a crew of ninety persons, of whom some were known to be conspirators, while of the rest they hardly knew upon whom to rely for active and efficient aid in time of danger.

Indeed, I would go farther and say that one must either have been at sea, or be willing to receive something on faith for those who have, to judge fairly of this case. The difficulty in the public mind is to be satisfied that there was such a state of things on board, after the arrest, as would render it all but cer-

tain to men of reasonable firmness and discretion, that the arrested persons could not be taken into port in irons. For this must be made out, or the execution was unjustifiable. I do not yet mean to give you an opinion upon which I am willing to be held, for the facts are not yet all in; but I should not be surprised if the facts and demonstrations which satisfied Mackenzie and his officers should have less effect upon the general observer and reader on shore. The crew were under some fear after the arrest, and would be careful not to do any overt act, or commit themselves at all, until they were ready to attempt the rescue. They would conceal every sign until the moment of the outbreak. If the officers had waited for that evidence, they would have waited just too long for their own safety, and for the prevention of dreadful crimes on the whole ocean. They were obliged to judge from a variety of small circumstances, of which some are significant only to naval men, and others can hardly be made to appear on paper as they did on the deck. For instance, the refusal of three men to muster. If this was, as the officers believed, a deliberate combination to disobey a lawful order, and carried out, it was of itself a mutiny, and would forfeit the lives of the parties by the martial law: for I know no other definition of mutiny than would cover that act. It is an open defiance of authority, and, connected with the event of the others, would alone go far to make out the required case. The suspected contrivance to carry away the mast; the gathering of the men about the mast-head, away from their stations; their rushing aft to the boom-brace, and refusal to go forward when ordered; the crowding into and blocking up of the

narrow gangways; their neglect and disobedience of orders; that "indescribable something," which Mr. Perry mentioned, in their looks and manner, denoting defiance and preparation for worse; the concealing of deadly weapons in convenient but secret places; the hiding a dagger in the gun carriage, near Spencer; the midnight alarms; and above all the fact of these demonstrations becoming stronger, more apparent, and more frequent as they drew nearer to port and the chances of escape for the guilty were lessening; all these might make out a case which would satisfy a conscientious, humane and brave man in taking life, when yet a landsman, reading the articles in the papers by his fireside, in the heart of a city, surrounded by watchmen, a police and a *posse comitatus*, before whom he can "swear the peace" against a suspected assaulter, and have him put into the "Tombs," might think the judgment not sustained by evidence of sufficient danger. If the officers were morally certain of an outbreak, which no confinement could prevent, — recollect, they could call in no aid from abroad, — there was no place for retreat, and no concessions would avail them. Must they then wait the onset and its chances? Perhaps, so far as personal danger to themselves was concerned, Mr. Mackenzie and his officers would have been willing to run the risk of the contest, or (as would have been more probable) of being taken by surprise and at a disadvantage, rather than to take life beforehand; but they had also a solemn duty as public officers, at all hazards to prevent this vessel's becoming a pirate, in the hands of men who would have the power and the will to commit the most dreadful atrocities of which we can form any imagi-

nation; and if, from any over-humanity, or a fear of the consequences of an execution to themselves professionally, or before the public, or from too much confidence in their own power, they had suffered the conspirators to prevail, and the dreadful consequences had come to our ears — not even the personal sufferings and death of these officers would have saved their memory from our reproaches.

On shore life is rarely taken to prevent the commission of a capital crime (although the law allows it when necessary) because there can be usually other precautions and means of defence. Not so at sea, in a case like this.

From what I have heard, there seems to have been a strange misapprehension of Mackenzie's report in one particular, and which has injured him somewhat. It has been said that he told Spencer that if he were taken home, wealth and station are all powerful, and he might escape death; and this is sometimes spoken of as one of the reasons for the execution. I knew that this could not be so, for it would be murder, and no better; and I recurred to the report and found that the misapprehension was quite evident. Spencer said, "This will kill my mother," or words to that effect, and afterwards added that it would injure his father; meaning, before the public. To this Mackenzie replied, to make it as well for Spencer as he could (an indifferent consolation to be sure, but the best he could offer), that it would not injure his father's reputation so much to have a son executed at sea for crime, without his knowledge, as to have had him succeed, or to have had him brought home for trial, had that been possible, for the father would naturally, by the instinct of a parent, and from

knowledge of the power of wealth and station, endeavor to screen his son, and thus injure himself. It being at the same time perfectly understood between them, that Mackenzie considered the execution forced upon him by the subsequent acts of the conspirators.

With us, in Boston, I have heard but one opinion; but in New York there have been some misunderstandings and misconstructions, as I think. You will not suspect me of inclining in favor of a despotic use of power at sea; yet, I assure you, that, having seen the Somers, and felt the defenceless situation of the officers; knowing that, besides Mackenzie, there was but one commissioned officer on board, and that of the warrant officers, the elder are but young men, and the younger but lads; knowing that there were no marines on board, and that some of the forward officers, upon whom great reliance is usually and somewhat necessarily placed, were implicated in the conspiracy; that there was no chance for escape, nor of aid from abroad, nor in concessions; and that the guilty persons, whether arrested or free, whether discovered or secret, would naturally make a desperate effort before reaching the land; and remembering the public duty the officers had to perform to save the lives of those committed to their charge, and to prevent at all hazards the success of these *hostes humani generis:* I am willing to believe that we shall all finally be satisfied that the execution was an act of solemn necessity. We look for the remaining evidence with anxious interest.

April 25. A gentleman by the name of Craney, late a lieutenant in the United States Navy, was introduced to me as wishing to study law in my office.

After some conversation, in order to explain to me the fact of his leaving the service, he gave me the history of his unfortunate difficulty with the Department. It is a most sad story, if he has given it correctly, and I believe him to have done so.

He entered the navy quite young, and toiled up to a lieutenancy, which gave him an honorable competency. While junior lieutenant of the North Carolina, receiving ship at New York, Captain Spencer of the navy, brother of the Secretary of War, came on board, bringing with him his nephew Philip Spencer, who had just received a midshipman's warrant. Mr. Craney happened to be officer of the deck, and being acquainted with Captain Spencer the latter introduced young Spencer to him, and asked him to assist the young beginner, by teaching him the ropes and looking after him in various ways. Mr. Craney was pleased with the opportunity of befriending the son of the Secretary of War and nephew of an officer of high rank, and thought it might be an advantage to himself if the young man turned out well. Soon, however, he saw that Spencer was a bad fellow and would make him trouble. He had invited him to use his state-room and his books whenever he wished to, and he found that Spencer had abused this liberty, by keeping lights in his state-room after the hour allowed, and by keeping bottles of liquor under his bureau, with which he got drunk while Craney was in the city. He spoke to Spencer several times about it, but it did no good. At length Craney was reported to the first lieutenant as having a light in his state-room after hours. Craney explained the matter to the first lieutenant, but nothing was done to the son of the secretary.

One night Craney was in his berth asleep, when he was waked up by a noise and saw Spencer in his state-room trying to draw a bottle from under some place where it seems he had hidden it. Craney ordered him out of the room. Spencer, who appeared to be a little intoxicated, said he would go when he chose. Craney ordered him out again, and then Spencer raised his arm and struck him a severe blow as he lay in his berth. Craney sprang out of his berth and pushed Spencer from the room. Spencer resisted, and the noise brought the officers down. Spencer was ordered below. The next morning the first lieutenant sent for Craney and asked him if he intended to report Spencer. Craney said he certainly thought it his duty to do so, as the offence of striking a superior officer was the worst that could occur on board ship. The lieutenant then told him that he would advise him as a friend to do no more about the matter. That it would do him no good at the Department; that Spencer's friends were powerful, and he had better let it drop. After some reflection, and thinking that Spencer was young and after an alarm might do better, he did nothing farther.

Mr. Craney had an uncommonly good sextant, and had offered to the professor of mathematics to explain the use of it to the midshipmen whom the professor was instructing daily in the steerage. One day the professor asked Craney to go down and explain the sextant to the young gentlemen, and having no duty on hand he did so. While there, in the presence of the professor, explaining the instrument to the midshipmen, he received a violent blow upon the side of the face, which pushed him backwards in his chair and threw him and the chair over upon the floor.

This blow was struck by Spencer, who came up behind him while engaged looking upon the instrument. At the same time with the blow Spencer wrenched off Craney's epaulet, tearing off the button, and ripping down his coat. Craney sprang up, but was instantly seized by a number of those present and held back, while young Spencer was dragged out of the room.

Allowing himself time to cool, and a season for reflection, Craney reported this and the previous transaction to the Department. (I suppose from what followed that this report had to go through the hands of the commander of the ship.)

Either Captain Spencer or the commander of the ship, Commodore Perry, sent for the professor and several of the midshipmen present, and learned from them that Mr. Craney's report was rather understated than otherwise. Commodore Perry then sent for Craney and tried to persuade him not to report Spencer, telling him that he would do himself no good by it, etc. Craney said he could not pass over it. It was an offence which was punishable even by death if a court-martial so ordered, and being committed in the presence of the midshipmen, and known to the whole ship's company, his own honor as well as a duty he owed the service required him to do it. The Commodore then told him it would be of no use as Spencer had been ordered to join the John Adams at Boston ; and offered him back his charges, which he had not sent to the Department. Mr. Craney says he instantly saw through this. Captain Spencer, finding Craney determined to report his nephew, had written to the lad's father and procured orders for him to join another vessel, and prevailed upon Com-

modore Perry to retain the charges until Spencer should be sent away.

Mr. Craney stated his opinion very freely, and demanded that Commodore Perry should retain the orders until the charges could be sent to Washington and Spencer arrested. This the Commodore refused to do, saying that he must obey his orders from the Department.

Mr. Craney then wrote a letter to the Secretary of the Navy, detailing the whole transaction. To this he received a reply slighting the whole matter, and treating Craney, as he thought, in a very insolent and contemptuous manner. To this, I think, but am not sure, Craney replied. At all events, it ended in Craney's being suspended, and Spencer sent upon a cruise in the John Adams. Craney remained suspended for weeks on board the North Carolina. He had been insulted and openly assaulted by an inferior officer; himself and the service in his person had been disgraced, and justice and satisfaction had been refused him; and all because of the influence of young Spencer's powerful friends. These reflections so wore upon Craney that he became ill. His pent-up indignation and his wounded feelings allowed him no rest. Under the influence of these feelings he sent in his resignation, which was accepted.

After twelve or fourteen years of the prime of his life spent in the service, and almost unfitted for anything else, he was thrown out upon the world.

Not long after his resignation the news of the execution of young Spencer by Mackenzie, on board the Somers, reached America.

Such is the story of Mr. Craney. It has made my heart ache for him. It is too strongly flavored with

injustice, the triumph of wrong and the suffering of innocence not to call out sympathy and interest for the subject of it.

Whether he has exaggerated the story, or not, I have no certain means of knowing; but I never heard a story told in a more precise, methodical and calm manner; subsequent events as to Spencer show its probability, and Craney impressed me very favorably for calmness, self-respect and candor.[1]

February 10. At Mr. Ticknor's in the evening, with S. We had the usual company of Dwights, Elliots, Guilds, Mrs. Norton (the loveliest of the post-meridian ladies) and her two lovely daughters, Fanny Appleton [Mrs. Longfellow], dressed in black and looking like a princess, reserved and self-possessed, Dr. Howe, Hillard, Leonard Woods, Theodore Lyman, Nathan Appleton, Prescott (Ferdinand and Isabella), Miss Julia Ward [Mrs. Howe] of New York, etc.

Mr. Ticknor told me the following anecdote of John Adams, which I believe to be literally true, from Mr. Ticknor's great accuracy in all such matters, and I am sure I give his very words. He said that he took an English gentleman out to call upon Mr. Adams at Quincy, during the year 1825, just before his death, and while the election of his son (J. Q.) was

[1] William Craney was appointed a midshipman 23 May, 1832; a passed midshipman 23 June, 1838; he was dismissed the service 31 May, 1839, by order of the Secretary of the Navy, J. K. Paulding, for reasons specified in a letter, a copy of which was filed in the Department; he was reinstated and appointed midshipman 3 September, 1841; and resigned 15 February, 1842. While the statements made by Craney to Dana, and which at the time impressed the latter so much, may be true so far as Philip Spencer was concerned, the letter of Secretary Paulding above referred to, though relating to other and earlier transactions, should be read in connection with them.

undetermined. The old man with (as Mr. Ticknor called it) his habitual indiscretion, talked politics. As the election depended mostly upon the vote of New York state, Mr. Ticknor, to keep up the conversation, said, "Mr. President, how do you think New York will go?" At this the old man drew himself up and answered, "Sir, I have known New York, man and boy, seventy years, and she has always been the Devil's own incomprehensible."

April 3. Spent the forenoon in court hearing Choate and Dexter in United States *v.* Le Crow, indicted for withholding provisions from his crew. Choate made a good argument, but flowery, overstrained and extravagant. Dexter was admirable. That man always seeks to come down upon his case. He seems to be a gentleman practising law, and not a mere lawyer. Calm, courteous, liberal and high-minded man.

A very troublesome case of professional difficulty has been harassing me for a week or two. A captain and mate of a merchant vessel were complained of for causing the death of the steward, a poor negro. The facts, as testified to by the men at the preliminary examination, were these: — That the master and mate flogged the steward badly about four P. M. for insolence, etc. That the steward then went about his business for an hour or two. That he was again, about eight P. M., flogged, kicked and beaten badly by the master alone, so badly as would have caused the death of many men, as the crew believed. That after this last beating the captain ordered the mate to assist in taking the steward into the cabin. The mate did so. They lifted him in, he groaning like a dying man. After this the crew saw no more. There were no

passengers, and no one in the cabin but the master and officers. The second mate was in his state-room, and swore that he knew nothing of the matter. The next morning, when the cook went to call the steward, he found him dead. The cook told the master and officers, and they went to his berth, and there found a glass stopple. They then went to the medicine chest, and the laudanum bottle was missing. They then said that the steward poisoned himself. The crew doubted this story.

The preliminary examination took place, and the master and mate were bound over to appear before the Grand Jury. In the interval the mate came to me and told me that he wished to ask my advice and to retain me as his counsel. He said he had a distinct defence from his captain, and must have separate advice and defence. He then told me confidentially, as his counsel, the whole story. When he had assisted the master in taking the steward into the cabin, they set him in a chair and found him dead. The captain then said, "Then I am in difficulty. You must assist me." They then took the steward, laid him in his berth, the captain got the laudanum bottle from the medicine chest, poured out the laudanum, and placed the empty bottle and stopple by the side of the berth, and then they went to bed.

This was the case. All the facts testified to by the crew sustained its probability. It was stated solemnly, and was somewhat unfavorable to the communicator of it. Here then was, as I could not doubt, a case of manslaughter, if not of murder. Yet my knowledge of the facts came to me in the sacred character of a professional communication. I could not use them against my client. The law, as well as my

own sense of justice and of the reason grounded in the policy of the profession, would forbid my divulging it. Unless a man can be safe in making a communication to his counsel, there would be an end of defences against every charge. I had received it, too, from a man who had a right and was able to keep his own secret under the implied, if not express, promise of secrecy. On the other hand, unless some use was made of the mate's testimony, the master would go unpunished. I did all in my power to persuade the mate to go to the prosecuting officer and divulge the story, and promised him my assistance, and assured him that he would be safe; but he would not become state's evidence, and he said it would ruin him with his employers, who were connected with the master, and being a foreigner he had nowhere else to look for support.

In this state I had to stand by and see the case changed from a charge of homicide to one of mere assault and battery for want of sufficient evidence. I did, several times, in conversation, express a strong opinion to a prosecuting officer, grounded on the evidence in court alone, however, that an indictment for manslaughter would be sustained against the master. But he would not risk it.

The trial comes on this week. I am to defend the mate; and that I can do with a clear conscience, for I believe him innocent even of an unjustifiable assault; but to stand by in silence and see a guilty man escape, when the weapon to convict him is in my own hand, is hard indeed. I have struggled against a desire to divulge, in some secret manner, the truth and the means of getting at it to the prosecuting officer. But I feel it would be wrong. I am merely unfortunate in possessing this painful knowledge.

April 4. Mr. Allston dined at Chestnut Street. I met him in the afternoon, accidentally, at Mr. Dexter's office. It was delightful to hear Dexter, who the day before was in the height of forensic contest, quietly and with real feeling and zeal talking over the beauties of art with Mr. Allston.

May 5. On coming to my office, I found among the arrivals the Alert from San Diego, California, 125 days. I hastened down to the wharf and found her just hauling in. The crew had been allowed to go ashore at night, and the dockyard men were hauling in the ship. The captain and mates were on board.

She looked just as she did when I made her my home, being painted in the same manner, with the same rigging and spars. There was the same new mizzen rigging upon which we worked at Monterey, the same blocks through which we had hauled ropes so many months, the wheel at which we had stood hour after hour, and every other familiar sign.

I went into the forecastle. It had been enlarged by throwing in two berths on each side and a space abaft the chain locker, but all else was the same. There was my berth, and in the forecastle I happened to find a man who had occupied the same for the whole of this voyage, which had been three years and three months. I fell into conversation with him, and learned from him a good deal of news about the coast. He insisted upon my accepting from him two shells which he had got at Monterey.

From the forecastle I went to the cabin, and there saw Captain Phelps and Mr. Everett the chief mate. The captain said he had brought home all his crew except one, who was drowned at Santa Barbara.

In the afternoon two of the crew came to my office, and we spent several hours talking over California.

June 1. This day and yesterday I have been in and out occasionally the anti-slavery convention. Nothing can exceed the wildness and fanaticism of that collection of people. During these two days they have been discussing a resolution offered by a man named Foster to the effect that the Christian church and ministry should be overthrown, and must be before the abolition of slavery can be looked for. More than one half of the speakers advocated the resolution, and nothing can exceed the bitterness and vulgarity of their attacks upon the church and clergy. Of those who opposed the adoption of the resolution, only one, the Rev. S. J. May, ventured to defend churches and clergymen. All the others vied with the supporters of the resolution in abusing these institutions, but contended against the expediency of the anti-slavery society, as such, embroiling itself in a controversy with the churches and clergymen. Two conceited, shallow-pated negro youths, named Remond and Douglass, were among the chief speakers. They seemed to have been entirely spoiled by the notice taken of them, and evidently had but little strength of mind by nature. The expression of conceit was so evident upon their countenances as to be perfectly laughable. They were battling the watch with Garrison, Phillips, May, etc., as they called these gentlemen, for all titles of courtesy, such as Mr., the gentleman, etc., are dropped by these radicals. Two or three women also spoke, but their speeches were painful from the sense they gave one of incoherency and excitement almost amounting to insanity.

Phillips is a gentleman and a scholar, and speaks

as such. May speaks calmly and sensibly. Garrison has logic and force, but is a fanatic by constitution, and a hater of everything established and traditional, and an infidel and socialist. Phillips, however, advocates exciting the blacks to insurrection and war. All the other speakers are a nest of ignorant, fanatical, heated, narrow-minded men.

The resolution was rejected by a vote of eighty to fifty, but it was rejected on the ground of expediency. There was evidently hardly a person in the society who did not agree with the general tenor of the resolution.

The elements of which this convention was composed are dreadful. Heated, narrow-minded, self-willed, excited, unchristian, radical energies set to work upon a cause which is good, if rightly managed, but which they have made a hot-bed for forcing into growth the most dangerous doctrines to both church and state. They are nearly all at the extreme of radicalism, socialism, and infidelity.

Just as the convention adjourned a deplorable, looking man announced that in the evening there would be a convention at the Chardon Street chapel to discuss the subject of the right of men to hold property, and the reorganization of society, — "very simple subjects," he added.

In the evening I went to this convention, and there we had a new exhibition of radicalism. The speakers took the ground that no man had a right to any private property, not even to the products of his own industry. They were answered by a man named Ballou, who wound them up completely by putting questions to them which they had to answer *ex tempore*. In this way he made them take the ground

that an idle man, or a robber, who could work and would not, had the same right to my crop which I had planted and cut as I had myself. This upset them with the audience, and raised a shout of applause for Mr. Ballou. Upon this I left.

June 12. This being little Sally's birthday, we all went and spent the afternoon with Mrs. Atkins in Roxbury — S. and her mother and Olive, Elizabeth and myself. Mrs. Atkins and the children were delighted to see us, and we had a charming time. After the long rains the sun had come out clear and bright, and nothing could exceed the freshness of the air and the richness of the foliage. Sarah was in high spirits, and enjoyed herself like a child. After tea, loaded with great bunches of flowers, we returned safely to town.

CHAPTER IV.

WASHINGTON ALLSTON.

Washington Allston had married [1830] a sister of the elder Dana; his first wife, Ann Channing, a sister of William Ellery Channing, having died in London in 1815. Connected with them by both marriages, the family relations between him and the Danas were naturally close, and the younger Richard often visited the artist's studio. After one of these visits, made in company with his wife on the 22d of April, 1843, he thus recorded his impressions: —

Mr. Allston had been reading the "Quarterly's" review of Dickens' "American Notes," and the "Aberdeen Correspondence," etc. He is less of a republican than ever, and says that if things go on as they promise now "in eighty years there will not be a gentleman left in the country." He says that the manners of gentility, its courtesies, deferences, and graces are passing away from among us. Whether they pass away or no, he is a good specimen of them. Born of a distinguished family in Carolina, and educated into the feelings and habits of a gentleman, with a noble nature, a beautiful countenance, and graceful person, what else could he be?

No picture is more pleasing to my heart and fancy than to see Mr. Allston, seated at his parlor fire in the evening, after a day spent in his studio, his eye resting meditatively upon the fire, his beautiful countenance marked with taste and thought, the smoke

from his cigar going up in little clouds and mingling among the gray curls of his hair, and then rising, to etherealize the whole, with the social glass of wine on the table which he has placed before his visitor, — the whole is painted with warm colors in my mind.

About two o'clock on the morning of Sunday, July 9 of the same year, Dana was awakened by a loud ringing of the door-bell of the house in West Cedar Street, Boston, where he then lived, and in answer to his inquiry a man below informed him that he was needed at Cambridgeport immediately, — that Mr. Allston was dead.

It went to my heart like a clap of thunder. For the first time in my life I was confused upon an alarm. I could hardly breathe. In time I was dressed and in the street. The night air was chilly, and the streets were as still as death. The man had been to call up Ned at Chestnut Street, and we waited for him. In a moment we heard the fall of footsteps, and Ned came up to us. We got into the chaise and rode out, with hardly a word spoken. Ned said, "I left him at nine, sitting at his tea-table. Almost the last thing I heard him do was to ask a blessing at his table."

We reached the house. I saw a light in his back parlor, where he always sat, but none up-stairs. Where can he be? Where did he die? We opened the door. Aunt Betsey met us in the entry. She said a few words. He was in the back room. I went to the door and just saw his body lying along the rug in front of the fire, and Aunt S. and Ned by his side. I could not, for my life, have gone up to the body. I went to the other end of the room and looked out of the window. I moved to the other window, but could not go up to it. Never did I force

myself more than when I moved gradually and fearfully up to it. And there he lay. The men who were called in had placed him upon the rug in front of his fire-place. Excepting that his neckerchief had been removed, he was dressed as usual, his gray and white curls lay about his forehead and shoulders, and his sublime countenance with closed eyes was turned upward. His candles were burning upon the table; by the side of them lay his spectacles; the remnant of his last cigar was upon the corner of the mantel-piece where he always placed it, another untouched which he had taken out to use next lay near it; a small plate as usual held the ashes of his cigar, and a few books, none of them, however, open, lay upon the table and mantel-piece. Mrs. Allston had been taken up-stairs. . . .

July 10. The funeral services began at half past seven in the evening, being put late that we might have a veil of evening to keep the mourners from the common gaze. . . .

The service at the house was performed by Aunt Martha's [Mrs. Allston] clergyman, the Rev. Mr. Albro, while the church service was to be read at the tomb by Dr. Vinton of St. Paul's Church, Boston, at which church Mr. Allston had been confirmed, and of which he had never ceased to be a member. . . .

The procession passed by Mr. Albro's church and the old Trowbridge house, in Mr. Allston's road to church, and thence by the Brighton bridge street to the grave-yard. When we reached the ground it was about half past eight. There were a great many assembled in the yard about the tomb, and the sexton stood with his lantern. The moon was struggling through the clouds and making deep shadows from

the grave-stones and monuments. The whole was a most impressive scene. The coffin was placed at the grave's mouth, the mourners gathered about it, the men stood uncovered, and the solemn service of the church was read. The preacher's voice, which is unusually good, sounded like a voice of promise from above, uttering words of hope and consolation. At the words "earth to earth, dust to dust, ashes to ashes," some earth was dropped upon the coffin, and sounded fearfully and ominously to our ears. Yet the admirable church service seems to sanctify every portion of what attends the burial, even the throwing the earth upon the coffin. At the "Amen," the bearers raised the coffin and entered the tomb, and we left the yard. The moon was shining brightly when we reached home. . . .

July 11. A letter from Mr. Dexter saying that he did not hear of the death until after the funeral and expressing his regret.

Sumner called with reference to a monument to Mr. Allston. Judge Story had been quite urgent about it. Judge S., Mr. Dexter, Hillard, and Sumner are to control it. Colonel Perkins will head it. Brackett says he has made a very good cast, and seems quite encouraged.

At the time of his death, as for years before, Allston was working, or was supposed, and, indeed, supposed himself to be working, on his great picture of Belshazzar's Feast, now preserved in an unfinished condition in the Boston Museum of Fine Arts. The picture was in the studio when Allston died, though no mortal eye but his own would seem for years to have looked upon it. The following entries relate to it: —

Father and I called upon Uncle Edmund [T. Dana] with reference to the picture. We agreed to meet at

the painting room to-morrow at four P. M., with Mr. John Greenough to assist us.

July 12. At four P. M. we assembled to enter the painting room and "break the seal" of the great picture. An awe had been upon my mind as though I were about to enter a sacred and mysterious place. I could hardly bring my mind to turn the key. We tried to prepare for the worst, so that nothing could disappoint us. But to enter this solemn place, so long and so lately filled with his presence and the home of his glorious thoughts and his painful emotions, the scene of his distresses when no human eye saw, and few human spirits can comprehend! I turned the key and opened the outer door. We stood an instant in the porch; but Greenough, whose enthusiasm and interest far surpassed any awe he might feel, rushed in. There before us was spread out the great sheet of painted canvas, — but dimmed, almost obscured by dust and marks and lines of chalk. The eye ran across the picture for the main figures. Daniel stood erect. The queen was there. But where the king should have been, where Daniel's eyes were fixed, was a shroud, a thickly painted coat, effectually blotting out the whole figure. We stood for some minutes in silence. "How could he have done it?" said Uncle E. "He told me he had finished the king and was satisfied with it." "Oh, in some moment of darkness, he swept it all off." Father looked at it and said, "That is his shroud." It was indeed a most solemn tragedy that this revealed. We felt that this had killed him. Over this he had worn out his enfeebled frame and his paralyzed spirit, until he had sunk under it. The agonies he had endured here no tongue can tell! There in the left of

the picture the large figures of three Chaldean soothsayers had been chalked over for alteration, the head of Daniel had been chalked, and there were marks for alteration upon the face of the queen. Some of the pillars at the left of the picture had also chalk marks upon them. The steps upon which he painted were placed so as to bring him against the face of the magicians, and by looking carefully we saw marks of fresh paint recently laid on upon the face of the magician nearest Daniel. There then had been his last work. To the latest moment he had labored upon this great work. He had almost died with his pencil upon it. Six hours before his death his pencil was on this picture. The right hand of Daniel was incomplete. He had told both me and my father that this hand was painted open; that Stuart, to whom he had shown the picture, had told him to paint Daniel's right hand clenched, to express more intensity of feeling, and that he had altered it to please Stuart, or in deference to his judgment. But no sooner had he done so than he felt, what he had anticipated at the time, that it destroyed that idea. Daniel was not to be impassioned or intensely excited. His attitude was to be that of calm sublimity, and in contrast with the varieties of excitement portrayed about him. . . . The handwriting upon the wall was not finished.[1]

We found ourselves delicately situated. The picture had been partly paid for, and had been conveyed by a legal instrument to the subscribers. It was per-

[1] Afterwards we saw that Allston had a grander conception. The writing was not to be visible to the spectator. A flood of supernatural light from between the columns, and the direction of all eyes indicated the place, out of sight, where the mysterious writing was. [Note in Diary by R. H. D.]

haps, then, partly theirs; or, at least, they had a contingent interest in it. We could not well proceed without reference to them. Yet, covered as the picture was with dirt and chalk marks, and with the king painted out, without cleaning, varnish, or frame, the proprietors, not artists, would not understand or value the picture, and it would be vain and an injustice to Mr. Allston's reputation to subject it to such a test. Would it not be wiser to call in one or two persons on whose judgment we could rely, and in whom the proprietors would also place confidence, and let them give their advice? We thought it would. Having determined this point, we had no difficulty in deciding who those persons should be. Mr. Allston had always relied more upon the judgment and was more willing to trust his work and his relations to the public and to the proprietors of his pictures to the good taste and discretion of Mr. Warren Dutton and Mr. Franklin Dexter, than to any other persons. We felt that in selecting them we should follow the wishes of the deceased better than by any other course. We agreed accordingly that they should be invited immediately to see the picture.

July 13. Called upon Mr. Dexter. He had a design for engraving all of Allston's sketches and unfinished pictures in a volume, as outlines, to be called Allston's Compositions. I told him of our determination to consult him and Mr. Dutton about the picture. He seemed much gratified and agreed to meet us at the room at any time Mr. Dutton should say. . . . Going up the street, I passed a tall, intellectual looking man, with such a face and manner as one does not see every day. I thought it might be he, but passed on.

I next met Mr. Dexter, with a green bag under his arm, at the corner of Summer Street. He proposed returning. I told him I had met such and such a man. "Oh, that's he! overhanging gray brows, and a stern expression, — looks like a dragon. That 's the man." We went back and found Mr. Dutton. After some conversation it was agreed to meet at the room at four P. M. of the next day. Both the gentlemen showed a great interest in the subject and a very ready zeal.

July 14. Friday. Went out to the Port. Spied Uncle Edmund and Mr. Greenough going towards the room. There we found Mr. Dutton, waiting. Mr. Dexter soon arrived, and we went in together. By the use of a sponge with tepid water the picture had been brought out a great deal, and looked like quite another thing. After nearly two hours spent in its examination, we made efforts with spirits of turpentine to remove the shroud from the king. The spirits had a little effect upon the extremes, but none in the centre. It was then agreed among us all to make an attempt the next day with the proper materials and solvents, under the care of Mr. Greenough, Mr. Dexter being present.

Mr. Dutton, of one part of the picture, said, "I have seen nothing in Titian equal to that, for color." And speaking of the group of females between Daniel and the soothsayers, he said, "I have never seen a group equal to that, except in Rubens' Descent from the Cross; and this is better than Rubens' for drawing, and not inferior to it in color." All agreed that that group was a wonderful composition and wonderfully colored. They said that for color it had not been surpassed by anything in art.

On going away Mr. Dexter said, "I can say that

my expectations have been fully equalled." "Mine have been more than equalled," said the enthusiastic Greenough. To this Dexter answered, "It would be difficult for me to say that anything could have surpassed my expectations of this work."

Mr. Dexter having agreed to meet Mr. Greenough at the room the next morning at twelve, we separated.

July 15. Called upon Doggett, the picture-frame maker, to know if he had seen the picture. He told me that about fifteen years ago, when the picture was in Pearl Street, he called and measured it for its frame. That then the principal figures were finished. I questioned as to the dress of each. He said the king seemed to be finished, and was dressed in a cloth of gold. This corresponded exactly with John Greenough's description.

In the evening Ned came in and said they had been through many alternations of feelings at the room. Greenough tried his solvent, and it had some effect, but seemed to bring out the glazing of the form beneath and he was obliged to stop. Mr. Dexter, after considering it attentively for some time, sent for some spirits of wine, mixed them with turpentine and applied a little with his finger, carefully. This evidently produced some effect, but Mr. Dexter declined doing anything further, and suggested that the proprietors of the picture should be got together, and their authority should be obtained before any further experiments should be tried with the picture.

July 17. Another interview with Dexter. He is oppressed by the unfinished state of the picture and the confusion arising from the evident change of plan. Yet he says it is a great picture, that the figures have

haunted him ever since, that he cannot get them from his mind, and that there is nothing in the art superior to some parts of this picture.

July 19. This afternoon, by agreement, Mr. Dexter and Mr. Dutton came out to see the sketches, which they had not seen before, and to look again at the picture, in order to form an opinion as to whether the paint can be removed from the king, and whether, if removed, the king will correspond with the rest of the picture as it now is. . . .

We spent some time in the room. Dexter sees great signs of change in the light and point of sight which he fears will involve the perspective in confusion. He seems almost in despair. Dutton is more confident, and thinks that if the king can be brought out, the picture ought to be exhibited. They both feel most sensibly the power of the picture. Mr. Dutton said he had dreamed of it, and had it before him nearly all his waking hours.

July 25. Tuesday. Mr. Dexter shows a letter from S. F. B. Morse[1] in which he consents to come and see the picture, at the request of Mr. D. and ourselves, and that he shall be here Wednesday or Thursday.

26. Morse says it is a grand work. It grows upon him. . . .

Morse and Dexter and Uncle Edmund discussed the perspective very fully. There has been a change in the point of sight, and a partial change of design,

[1] Before conceiving the idea of the electric recording telegraph [1832] Professor Morse had won distinction as an artist and sculptor. Though twelve years younger than Allston, Morse had accompanied him to London when he returned there in 1811, and had there studied in the Royal Academy under Benjamin West. His early efforts in art were subsequently eclipsed by his fame as an inventor.

the alterations necessarily consequent upon which have not been fully carried out. Therefore, there is an apparent confusion and evident want of completeness. Morse says that every line and every chalk mark must be preserved, in order to show the intentions of Allston. . . .

As to the king, Morse says that he saw the picture about two years ago, and that then the king's head was finished and open. That the figure was painted over. Both he and Mr. D. say that the king must have been painted over, not from dissatisfaction with the conception, but in order to enlarge the figure, to do which had become necessary from altering the point of sight. He had begun to raise the Chaldeans in the extreme right, and would then have raised the king in the left. The right hand of the king, lately painted but unfinished, is for the larger figure. It would not probably correspond with the figure under the *embrorio*. The queen's figure, about the waist, is not finished. Daniel's shoulder is incomplete. The Chaldeans are quite chaotic, and the style of the capitals of the front columns had been changed from the sketch and from that of back columns, in the rear of the hall. Morse agrees that he last painted on the head of that soothsayer who has his front face toward the spectator.

July 28. Set off this morning at seven o'clock in the Western cars, for Hartford and Wethersfield, with S., little Sally, and nurse, to leave them there for a month's visit, and to spend a few days with them myself. . . .

At Springfield went to Warrener's to dine. There found Mr. Ticknor and his wife and daughter and Mr. Wm. Gardiner. Mr. Ticknor took me one side,

and asked with great interest after the picture and Mr. Allston's matters. He had been absent ever since the death. He had known, as a secret, from Allston, two years ago, that the king had been painted over, and he said Mr. Allston told him within a year (I think it was) that he had at last fixed upon his final design with which he was satisfied, and that he should never change it. Mr. Ticknor asked him if he might not alter his plan in some parts which would make labor for him; to which Mr. Allston replied that it was impossible. Told Mr. Ticknor that I should call upon him in Boston as soon as I returned.

The strong impression which Allston's individuality had made upon Dana did not diminish with the lapse of time. On the contrary, in 1852, nine years after the artist's death, a house in Cambridgeport in which he had lived many years was destroyed by fire. The incident freshly revived Dana's reminiscences connected with it, and he thus referred to Allston in his diary: —

1852. *August* 20. During the three years and a half I was a student at Cambridge, after my return from sea, my Senior year and my two and one half years in the Law School, it was my habit to spend there one evening every week. I walked down about dusk, for his dinner hour was after dark, he had closed his painting room after a day of exquisite or tormenting, lacerating or soothing labor, the candles in their silver sticks were shining over his table covered with a pure white cloth, decked with a few dishes, his never failing decanter of Madeira, and after a warm salutation we sat down at table. His dress was a blue coat with gilt buttons, drab pantaloons, a rich brown or buff waistcoat, and a white

cravat; while his hair, beautiful even in age with the various tints of gray and waving curls, crowned the exquisite beauty of his regular but animated features. His day's work, be it fortunate or unfortunate, is over. There is nothing more for him to do but to enjoy ease and pleasant society. The meal is protracted, and no claim of helping or being helped is permitted to interfere with anecdote or criticism.

When the dinner is removed, the glasses remain, and a small plate containing his evening cigar. When this was lighted, and he had leaned back in his chair, and the wreathed smoke arose like a halo about his curling hair, so close to it in color and form and lightness that you hardly knew which was ascending into the air, — then the beauty and the dream of life seemed truly to have begun.

Take him for all in all, I ne'er shall look upon his like again!

The exquisite moral sense, the true spirituality, the kindliness and courtesy of heart as well as of manner, the corresponding external elegance, the elevation above the world and the men and things of it — where have these ever been so combined before? The wine of life is drawn.

CHAPTER V.

VACATION RAMBLES. — THE ISLES OF SHOALS.

Towards the middle of August, feeling worn out by constant office work in the midst of intense heat, Dana determined to go to the Isles of Shoals for a few days of complete relaxation in that sea air he loved so well. The Shoals, so familiar now, were then almost unknown as a place of summer resort. The Leightons had just begun their purchases, and the islands, inhabited only by a fishing population, were in the primitive condition which had been unbroken for nearly two centuries. There was no house of entertainment yet upon them. Dana's long account of this visit is full of freshness, and the fact that the Shoals have since become the resort of thousands every summer gives to what he wrote in those earlier days a peculiar interest now: —

1843. *August* 15. Tuesday. Woke up and found it raining. Gave up my plan for going to the Isles of Shoals. Went down to breakfast in town and found it clearing off. By ten it was a sultry, close day. Determined again to go. Sent for my clothes, hurried through my business, left directions to Ned and Peck, rushed home, threw a few things into my trunk and valise, and hurried off. Just reached the steamer at eleven. It was the Telegraph, bound to Portsmouth. The run down in her was very pleasant, and the sea air, as usual, set me up at once. I walked the deck, to and fro, nearly the whole passage, and felt the freedom of having no labor to perform,

and only to follow the will and thought or dream of the moment. As we neared Cape Ann our tiller rope parted, and in shipping the tiller aft I rendered some service by moving a tackle for the tiller, which introduced me to the pilot, and obtained for me an invitation to the wheel-house, where I spent an hour or so learning the points of land, their bearings, distances, etc. We took off passengers at Rockport, and went quite near to Pigeon Cove. This put it into my head to stop at the Cove on my way back.

Passed the Isle of Shoals, so-called, although they are a group of seven high, rocky islands. The light-house and the meeting-house were distinctly visible. Reached Portsmouth at five P. M., after a very pleasant run. . . .

August 16. Engaged a boat to take me to "the Shoals," to start at ten. . . . The boatman's name was Jackson, and his boat's the Temperance. On our way down he pointed out the chief landmarks, and gave me much interesting information. After passing the Whale's Back and steering for the Shoals, which were barely in sight, I took the helm, and he went to sleep in the bottom of the boat. As I neared the easternmost island, Duck Island, a large wood sloop tried to go to windward of me. Being on the starboard tack and she on the larboard, I kept on and passed across her house. We came so near, however, that the noise of the water under the sloop's bows woke up Jackson, who started to see a heavy sloop so near upon him. After looking about a few minutes he took another nap, and I waked him as we came round Duck Island. I kept the helm and steered by his directions through the channel between Hog and Smutty Nose Islands and into the

cove of Star Island, where he was to leave me. The prospect was not very encouraging as we walked up to the house where I was to put up. The whole island was less than a mile square, girt with rocks, with very little vegetation and with about twenty unpainted, weather-stained houses scattered about near the landing-place, without any marks for streets or fences. The whole island had a strong fishy smell, and in going ashore we had to walk over a surface of fishes' heads and bones, which the fishermen leave on the beach, just where they throw them, in cleaning. Jackson took me to the house of Joseph Copwell, the best on the island, and the only one where any company is received. Copwell is a pilot as well as a fisherman, and seems to be a leading man on the island. Jackson soon left me and returned to town. As he went I told him I should be going up Monday or Tuesday. "Oh," said he, "you won't stay here more than a day or two." He did not know the motive which brought me.

August 17. After breakfast went fishing in a whale-boat, with two boys. I managed the boat, and the boys showed me places. Caught a few mackerel and haddock. Returned to dinner at twelve. After dinner sailed out again in a small boat with one sail, and beat over to the light-house against wind, tide and a heavy head sea. . . .

Returned to Star Island to supper. Afterwards walked again upon the rocks, which are very grand, ragged and broken. Some large crevices and ravines seem to have been formed either by the wasting of many centuries, or by some great convulsion of nature. They are the grandest rocks I ever saw, as I now remember. None which I have seen can equal

them, unless it be those of Nahant and a part of the shore of San Juan Campestrano in California.

August 18. *Friday.* After breakfast took a boat and went fishing. After fishing for some time, landed on Hog Island. This is the largest island of the group, being, I should judge, about one and a half miles in length and averaging a mile in breadth. It is, like all the others, a mere bed of rocks, with a few patches of vegetation. This island, together with Smutty Nose, the next largest, were bought, during the last year, by two traders from Portsmouth by the name of Leighton. They were noted rumsellers and loco-focoers, and the people on the islands are afraid that they will revive intemperance, which has been quite driven out from among the people by means of religious efforts and the total abstinence pledge. . . .

Returned to Star Island to dine. After dinner Cheever, the light-house man, came over in his boat, to take me to sail, with an invitation to spend the night at his house. For the sake of the change, and for the novelty of spending a night in such a place, as well as because Cheever seemed to be a clever fellow and desirous of my company, I accepted the invitation, although I had made arrangements to go off after hake with Shoalsmen, who go every night. Cheever's boat is a new one, just built, belonging to the government, and a very neat boat and a fast sailer. He takes great delight in her, and spends hours every day in sailing about among the islands. I got into the boat, he gave me up the helm, being a stranger, the breeze was brisk, the afternoon clear and pleasant, and putting her through Hog Island passage and sticking her right off to seaward, with

the foam flying from her bows, a bright gurgling wake behind, and the cool sea breeze about us, we had a glorious sail.

Having sailed several miles due east, we bore round and stood again for the islands. Passing through the passage between Hog and Smutty Nose, we landed upon the latter, which I had never visited. A small pier or breakwater makes a snug harbor for boats, much better than either of the other islands has. It is in rather a ruinous condition, and only two houses on the island are inhabited. It once contained a population of four hundred or five hundred souls. This, however, was before the Revolution, and there are no signs of its former prosperity but the pier, a few hollows where cellars were once dug, and some moss-covered tombstones.

One of the Leightons was living here. He is brother-in-law of Cheever, who was very anxious that I should see him, and introduced him to me. Cheever has quite an admiration of Leighton's abilities, and told me that he has been for many years in the New Hampshire Senate, was the *Honorable* Thomas Leighton, and next to Levi Woodbury had more influence with the dominant party, which is loco-foco, than any man in the State. All this may be, for many such men we have. He was seated on the pier, dressed in the roughest manner, with a coarse, dirty handkerchief about his neck, chewing tobacco and whittling a stick with a jack-knife. There was something very unprepossessing about him. He left his seat, and kept on his whittling and chewing as before, and only made an unintelligible sound in answer to Cheever's introduction. I saw that he was a character, and determined to try him. I sat directly

down beside him and entered into conversation. At first he said but little. After some time he inquired what had been the result of Wyman's trial. Having told him all I knew, I said, "How is it, Mr. Leighton, that we seem hardly to be trusted to manage money matters?" He admitted that it was so. I inquired the reason. He said it was because of foreign luxuries and foreign notions, which had corrupted our republican simplicity. I answered that public faith and mercantile honor were higher in the old countries, especially in England, than here. To this he again assented, and said that was because money was everything here, all could make it, and he who could make the most was at the head of society, while in England this was qualified by hereditary rank and blood, which no money can buy. The competition and the temptation were less universal and overpowering. I then said a word in favor of the British Constitution, but here he bolted, and said he hated England and all her ways; that he liked France better. He then spoke highly of Bonaparte. I told him I never knew a radical who did not like a despot, while a conservative liked a government of law. He said he had thought a good deal about the state of things, and doubted if our institutions could stand. Every republic before ours had been a failure, etc.

I found that he had read a good deal, and was a sagacious man, but had strong prejudices and a dislike of established laws and orders, and of any persons who had positions better than his own.

At this time it began to look like a thunder-shower and we left. Cheever took me over to his lighthouse, and as the weather looked rather threatening,

I consented to spend the night. The breeze was cool and sea-ey, and the view, in the midst of thunder clouds, quite grand. After tea we walked out upon the rocks, and at sundown I went up with him into his lantern. The evening we spent in a very primitive manner, he showing me a parcel of old views of the Tuileries and Sans Souci, which I looked over carefully and approvingly, translating the French for him at the bottom, and on my part gave him and his wife a detailed account of the battles of Lexington and Bunker Hill.

His wife is a very pretty young woman, under thirty, and he has three little children. On going away, I gave him a half dollar to lay out in presents for the children when he next went to Portsmouth. He disliked receiving money, but I told him I wished to make his children a present, and he knew I could get nothing at the islands.

August 19. *Saturday.* About nine this morning he took me back to the Shoals.

There was one thing in the case of Cheever which illustrated most forcibly the unhappy state of our country. He had been appointed to his present office two years ago upon the accession of General Harrison. He had taken great pains to perform his duties well, and being an intelligent, temperate man, with a good deal of ingenuity and the organ of order well developed, he has filled his place better than it has ever been filled. All persons who know anything of him agree in saying this. His salary is $600 per annum, out of which he has to pay for an assistant whom he is obliged to keep always on the island in case of sickness or accident to himself, and to support his family. Lately the collector of the

customs at Portsmouth, by whom he is appointed, had him removed and a Tyler man put in his place. Cheever now trembles in his shoes, and is utterly at a loss to know what to do. The state of politics is so confused, and the movements of parties so unintelligible, that he cannot for his life tell where to look for help. He has everything at stake, for he has a family to support, and gave up a good trade for this office. If he loses it he loses a support, and may not easily find another. The temptation is too great to be resisted, and all the time he bored me with questions about politics. Not that he inquired at all about the principles and opinions of public men and parties, — that was unnecessary, — but who would succeed? What would turn up? What if a man should support Tyler, would Tyler support him? What were the chances of Clay, Calhoun and Van Buren? In the medley presented to him he knew not where to put his foot, and yet his living depended upon his putting it down somewhere, and that soon. I tried to talk upon fishing, boats and the like, but he always went back to his one subject of guessings and schemings. The state of servitude this poor man was in was truly pitiable. With good feelings and good principles in the main, he had come to look upon politics as a game, and one in which every man lay down his money upon the point most likely to win. All other notions of politics and public duties were effaced from his mind. This is not wholly nor chiefly his fault, but a necessary consequence of those pernicious practices which have been prevailing for the last fifteen years, — which began with Jefferson, were revived with full vigor by Jackson, which Van Buren had little need to exercise but

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never repudiated, and which his party always pursued, which the Whigs of 1840 were afraid fully and heartily to disavow, and which when in power they carried out as far as any before them had done, and which now have become the standing rule of practice in the country.

This afternoon, being Saturday, the Shoalsmen, who never fish on Sundays, or Saturday evenings, cleaned out their boats, took ashore their bait and lines, washed and cleaned themselves and put on clean Sunday clothes, and, the afternoon being pleasant and the breeze good, sailed about in their boats for pleasure. This is the only recreation the islands afford, and I am told that they depend upon a pleasant Saturday afternoon to take their families out to sail, and to turn into a pleasure what has been a labor to them during the week. The clergyman and his two daughters went out in our boat, upon invitation of two of the islanders, and in another I saw an old woman seated in a chair which her descendants had placed for her in the stern of their boat. Some of these parties went to the other islands and wandered about them, picking berries; some went to the light-house, and others merely sailed to and fro.

I took one sail by myself, and another by invitation of a fisherman in his boat.

Called upon the clergyman, the Rev. Mr. ——. Found him a very illiterate man of the Christian Baptist persuasion, and apparently as weak as illiterate. He was very much awed by the presence of a Boston lawyer who had been educated at Cambridge, for he had received nothing that could by courtesy be called an education, and had never been in a town larger than Portsmouth. His ideas of

Boston and her wealth, intelligence and greatness were quite magnificent. He told me that he had had no advantages, and that a difficulty in the head which came on whenever he tried to read much had always prevented his studying. He had a wife and three children, all supported upon $300 a year.

Went over to Cheever's after tea in a wherry, taking with me two strangers who were on the island, to see the light-house. Found Cheever watching the clouds and doubting whether to take his boat in. The Shoalsmen had told him it was going to blow, but there was so little appearance of it that he at last determined to anchor her off with two anchors ahead, and let her ride.

August 20. *Sunday.* Woke up this morning with a heavy gale from the northeast and the rain beating against the windows. The vessels of the Shoalsmen were safe, their cove being protected on that side. At ten walked to church in a violent rain and gale. Found the people on the hill watching Cheever's boat, which was pitching at her anchors, the sea breaking outside of her.

The congregation consisted of about twenty-five persons, three or four of whom were hard-favored women, ten or a dozen rough fishermen, and the remainder white-headed and brown-faced boys. Some of the boys were barefooted, and some had on red shirts and no jackets. The men were dressed in pea-jackets, or round blue jackets. The sermon was from the text, "Thou shalt not take the name of the Lord thy God in vain." Flat, wandering, and miserably weak was the performance. The poor preacher was evidently much impressed with the presence of strangers, and preached for us much as Vincent Crummles' com-

pany played for the London manager. Once he alluded to his own want of education, and said that there were some present who could tell better than he could such and such things. This was pitiable, and only served to lower him in the estimation of his people. I doubt if he can do much good among these people, for although it is not necessary that their clergyman should be learned, yet they are shrewd and need a man of more force and common sense.

P. M. On coming to church learned that Cheever's boat had swamped close by the rocks on his island, but was kept clear of the rocks by her anchors which still held her. With a telescope saw her white streak rising and falling with the seas, as she lay water-logged on her beam ends.

After church walked out to the northeast end of the island, the rain having ceased, to see the breakers. The sea was very grand. The long heavy swell set in to the land, forming into high combing seas as it neared the shoaler water, and breaking and rushing up on the steep craggy rock with terrific force and a deafening clamor. I never saw so large seas break on any shore before. They rushed over rocks of the height of forty and fifty feet, and sent their spray far higher into the air. While standing on a high rock, perhaps the highest on the island, and at a distance from its edge which seemed perfectly safe, I was wet through to the skin by an unusually large comber. The swell that set in between Star and Cedar islands was tremendous, and over Cedar Island ledge, which lies about half a mile from the island, the seas broke and threw themselves up into sparkling columns, looking like the fountain in the Park when at its highest play.

In the afternoon, when the seas were less high, the boys took a large Newfoundland dog down to the rocks, and in spite of all their efforts to keep him back, he dived off from a low rock into the foaming billows, and after being sucked off to a distance and then thrown up towards the rocks, and turned round and over several times, he was at last thrown upon a rock to which he clung, and by it scrambled upon the island. We thought his limbs would be broken, but so little frightened was he that he wished to go off again, and the only way by which we could prevent him was to walk directly back to the houses, to which he followed us.

The sermon in the afternoon was from the text which expresses the keeping of the Sabbath. This congregation amounted to fifty, and with a fuller house and pleasanter weather, the preacher was more ambitious and more unfortunate than in the morning. I could not have endured another such an exercise that day, nor for several days after it. . . .

August 21. *Monday.* This morning the rain had ceased, the sun was out bright, and the wind had moderated, but still the seas were high. The elder Copwell, the pilot, tried to raise a party to go off in a whale-boat and save Cheever's boat. I volunteered to go for one, and one other man offered, but he could raise no one else. Some said that the seas were so high that we could not go near the boat, and others said it was government property, and Cheever must raise a signal if he wanted help.

Finding that a crew could not be raised, I determined to go off and see what was the situation of the boat and communicate with Cheever if possible. Taking a small sail-boat, and the two strangers who

were on the island, who could barely pull an oar but were entirely unacquainted with the management of a boat, I went off. On approaching the boat I found that the sea did not break so violently as I supposed, and I ran close by the side of her. She lay on her beam ends filled with water, the sea washing over her, one mast with the sail on it being gone and the other lying broken alongside. Seeing Cheever upon the rocks opposite the boat I ran in to speak with him. He pointed out a smooth place under the lee of a ledge which lay just off the island, and there I put the boat. Taking in my sail, I made the two men row while I steered. Keeping the boat's head out and her stern in towards the shore we rose and fell regularly in the swell, now and then pulling an oar to keep off the rocks. My men were awkward with their oars and a good deal alarmed by their new position, and sometimes failed to pull as I told them, but we kept ourselves safe. At length I let the boat back in toward a large steep rock, and Cheever, watching his chance, jumped on board, while we pulled off briskly. We took him round the boat, which he examined, and then going round to the lee side of the island and watching a smooth chance, landed him again. He told me not to ask the Shoalsmen to come off and help him, but that if they wished to come he should be happy to have their help, as they must know.

Returning to the island, I found that the men had been watching my boat with great anxiety from the hill, and learned that one old fisherman said we should be lost, that no boat could land where we did, and when we went under the lee of the ledge, they all thought we had gone over it. They were a little

ashamed, yet persevered in refusing to go and aid Cheever, putting it on the ground that as the boat was government property he must ask for help, or they could not get salvage, for the boat was safe where she lay. They said that if the boat had been Cheever's private property they would have gone at once. In this state of misunderstanding the boat seemed likely to remain untouched.

After dinner the Shoalsmen went off to catch mackerel which the northeaster had driven in. The place they went to was off Cedar Point, just front of the Cedar Island passage. The sea was very high there, and the great rollers came in with such size and force as to make it dangerous and very disagreeable to encounter them in small boats. Nevertheless, as the Shoalsmen were out, I determined to go, and taking the same small boat, with a stiff breeze I ran through the passage and off to the ground where the fishing boats were at anchor. The rollers were so high and so pitched the boats about that only a quick helm with a stiff breeze kept them from being capsized or swamped. I came to anchor off the point, close by two other boats which were pitching up and down so as to stand nearly perpendicular. My boat being small, we were pitched and tumbled about at such a rate that it completely confused me and made me dizzy, and in a short time I felt sea-sick and vomited a little. Yet I kept at fishing and caught several mackerel. The sea was so rough that few of the boats stayed there and I was not sorry to take up my anchor and be off. As I got under way, a man from another boat hailed and told me not to go through the Cedar Island passage, before the wind, that all the boats were going round Star Island. So

I braced up and went round Star Island, and it being late ran in to hail Cheever before night. The surf was breaking so loud upon the rocks that he could not hear, and so high that it was impossible to land. He made a signal for me to go to leeward. Here I could communicate with him, but half the words were lost in the roar of the surf. He made it a point not to hoist a signal, because he thought the Shoalsmen ought to come without one, when they saw him in need. I could not make myself heard well enough to explain to him that they would come if it was his own boat, and I was obliged to leave him.

The wind was ahead for returning, and the sea was very high, but I beat the little boat over in three tacks, and came safely to moorings before night.

August 22. *Tuesday.* This morning it looked cloudy, with promise of rain, and the fishermen said we should have several days of bad weather. As there was a boat leaving for Portsmouth at ten, I determined to take passage in her, since I had given myself a good spell at fishing and boating, and the fair weather seemed to be at an end. My bill at Copwell's for a week's board was $2.50, and he would take nothing for the use of his boat and lines, since he had the fish I caught. I gave his daughter half a dollar to buy something for herself in Portsmouth when she next went up, and took my leave well satisfied with my stay and the treatment I had received.

We had for passengers in the boat the clergyman and his two daughters. The elder, Miss Mary Ann, about eighteen, had never been on the island before this visit, and never in a boat before but once, and

said she did not expect to visit the island again. I did not ask her if she was going to be married. She had some smartness, had been well taught at a boarding-school, I presume, and seemed to treat her father with far too little respect. The younger, a black-eyed, dark-complexioned girl of about fourteen, was more pleasing. She had been at home, and was to return to the island after parting with her sister. The parson appeared better in the boat than in the pulpit, though but indifferently here.

As we passed Whale's Back it began to rain and continued raining quite violently for half an hour. The parson produced an old umbrella with which he covered the young ladies, while I, having my boating clothes on, which I had worn during the whole expedition, took the rain as it came and got pretty well wet. We reached the wharf at about noon, and in a quarter of an hour I was in my chamber at the Rockingham House.

The group called the Isle of Shoals consists of seven islands. These are mere beds of rock with spots of vegetation here and there. Two of them, Duck Island and the Londoner's, are not inhabitable, being mere rocks, upon which ducks and sea-birds alight, and to which fishermen make fast their nets. White Island, on which the light-house stands, is also little else than a steep rock with a single patch of soil about the keeper's house. It would not sustain more than one goat from its own produce. A fourth island, called Cedar, is not inhabited, and although I did not land upon it, yet my impression is that it is hardly, if at all habitable. The remaining three, which are the largest, have always had a population upon them. Of these, the largest and most

fertile is Hog Island. Smutty Nose, or Smotinose, as it is spelled in the old MS. records, or Smyna, which tradition says is its proper name, is the second in size and fertility. Star Island, so-called from its shape, being nearly circular, with rock projections, is now the most populous, and has always had as much prosperity as any of them. At the present time its entire population is one hundred and fourteen souls. On Hog Island there are but two houses, recently built by the Leightons, who mean to make it their headquarters. Smutty Nose has about half a dozen houses, in a decayed condition, and a population of about twenty souls. It seems likely to be soon deserted.

Before the War of the Revolution these islands enjoyed great prosperity. Their fisheries were very profitable, and they afforded security from the attacks of the Indians who molested the people on the main land. In 1730 the population of the group was eleven or twelve hundred. Hog Island had six hundred of them, Smutty Nose and Star dividing the remainder. There was a good deal of property, many men of influence in the State, physicians, lawyers, a well-paid clergyman, and men of different trades and mechanical arts. The war opened a new danger against which the islands were unprotected. This, together with the decline of the fisheries and the removal of fear from Indian incursions, soon reduced the prosperity of the Shoals. I do not know how low they got, but have an impression that the entire population has been as little as eighty or ninety souls. Some twenty years ago there was a good deal of money made on the islands by three men of the name of Haley, Newton, and Copwell, the for-

mer living on Smutty Nose, and the others on Star. They were reputed to be worth from $10,000 to $30,000 apiece; but the other inhabitants were quite poor and intemperate and indebted to these three. The Haleys ran out their property and have disappeared. The descendants of Newton and Copwell still live on Star Island, but their property is all gone, and they labor as common fishermen. There are two or three houses on Star and one on Smutty Nose which look as though they might have been inhabited by people somewhat above the class of day fishermen, but excepting these signs, and the decent gravestones of the Haleys, Newton and Copwells, and of one or two clergymen, I saw nothing to indicate a previous population. Indeed, I could hardly credit the story that these islands had supported so many persons, and should not but upon the best authority. They must have imported all their wood and nearly all their hay and vegetables. There is a tradition, too, that a school flourished on Hog Island at which the sons of men of fortune in Boston and other parts of the main land were fitted for college.

The inhabitants have very much improved in their moral condition within the last three years. Temperance has spread among them, and no ardent spirits are allowed upon Star Island. Drunkenness was unknown there the last year. It is said that the Leightons mean to sell spirits. If they do there will be a fierce contest, for either they or the islanders will be broken up by it.

CHAPTER VI.

WEIR, MACREADY, JUDGE STORY AND HORACE MANN.

While Dana was at work in his State Street office, his wife and child were passing the hot weather with Mrs. Dana's relations in Connecticut. In September he went to Wethersfield to enjoy a few days with them before they all returned to Boston. The diary contains a pleasant glimpse of happy summer hours passed in the country town. He arrived on a Friday evening.

September 16. *Saturday.* This day opened beautifully. The rain had laid the dust and washed the trees and grass, and cleared the air, and now a clear sun rose with an eastward breeze to prevent the sultriness of the summer's heat. The birds sang, and through the trees which surrounded our window we could just see the patches of sunlight on the grass.

The happiness which the day ought to carry with it was shown in the expression and manner of the whole family as they assembled for prayers and breakfast. . . . No day could have been more delightful. The temperature of the air was neither hot nor cold, but so that one could lie down with pleasure upon the grass under the shade of a tree. Just before tea we walked out upon the hill and sat down together upon a gravestone. The view was most enchanting. The distant hills, the greenness of all the earth and its growths, the smooth, quiet

stream of the Connecticut, partly hidden by trees, and partly winding amidst green raked meadows, now and then a sail gliding over its surface, or showing its top above the trees. . . .

September 17. *Sunday*. . . . Before tea S. and I went out upon the hill and sat together in the grove, delightfully enjoying the beautiful air, the waving and rustling of the trees over our heads, and the stillness and freshness of all nature. We wished it were so that we could spend days and weeks, as we had spent these two.

The following day they returned to Boston and work, for it was now verging towards the end of September, and the vacation season of 1843 was over.

September 19. Commander A. Slidell Mackenzie called with Lieutenant Davis. His appearance and manners are very prepossessing. He is quiet, unassuming, free from all military display in manner, self-possessed, and with every mark of a humane, conscientious man, with sound judgment and moral courage. He is unusually interesting, and creates a feeling of personal affection towards him in those whom he meets. Such was the impression he produced upon me, and I find he made a similar impression upon all who fell in with him during his stay here.

September 23. Went with S. to see Weir's picture of the embarkation of the Pilgrims. It struck me as well colored, and in excellent drawing, though I am not a judge of such things. Several of the faces, too, I liked very much, as the handsome and well-born expression of Winslow with its dash of Puritanism, Robinson, Standish, the oldest female and

sick child. But I cannot understand the full dress, ball-room array of Mrs. Winslow, and her over-dressed, fantastic aspect.

25. Breakfasted with Hillard to meet Weir. Was charmed with Weir. I do not know when I have seen a man who gained my affection and confidence so soon and so completely. Took him out to see the Belshazzar. He stood motionless and silent before it for full a quarter of an hour. His interest in it was intense. He says it is now in the confusion of a change of horizon and point of sight. Some parts of the picture are in one design and other parts in another. It is chaotic; but beautiful in its parts, and grand in its design. After seeing the large picture I showed him the small sketches in chalk and brown, and the unfinished sketches in color. Nothing could exceed his delight and admiration. He said that as exalted as had been his notion of Allston's genius, these things raised it higher; and that they must be engraved and preserved. He particularly mentioned the Christ healing the Sick; the female figure from life, with the bare arm and neck; the chalk sketches on crape; and the Titania's Court.

December 20. It having been agreed that the Belshazzar should be cleaned and varnished, without anything done in the way of change or restoration, we employed Chase to do the work, which he has performed to our entire satisfaction. The subscribers were invited to see it for this day and the two next, and accordingly the room has been open. The picture is so changed, and so completely brought out, that we hardly knew what was there before; the various parts so brought into harmony, and the strong parts so noble and so complete. Mr. Ticknor,

Mr. Dexter, Mr. Dutton, Mr. Jonathan Mason, Mr. Harding, the artist, are all in a state of highest admiration. Father, too, is so encouraged about it, that it has quite put him up in health and spirits. It is now agreed that Chase shall make an effort to restore the king, which had been covered up by Allston. We do not hesitate to attempt this, as we know that he covered it up not from any dissatisfaction with its character and execution, but merely to enlarge it in conformity with an altered perspective.

1844. *January* 13. Moved my office from the Old State House to rooms in the second story of Gray's new building, 30 Court Street, where we have two new rooms, with every convenience and in a good neighborhood.

February 1. Went out to Cambridgeport with S. to call upon Mrs. C. D. Gibson, and to see the picture again. Aunt Martha was getting ready to come into town for the winter. The king has been restored as far as possible. He is in a very defaced state, from the use of the pumice by Mr. Allston before he painted it over, but it adds greatly to the effect of the picture.

P. M. The harbor being frozen entirely over, through its whole width, and as far down as the Long Island Light, and a company having engaged to cut a ship channel through the whole length, from the wharves, I went down to see the work in company with hundreds, or rather thousands, of others. The scene was peculiar and exciting in the extreme. The whole harbor was one field of ice, frozen on a perfect level, though somewhat roughly in parts, and strong enough to bear heavy loads of merchandise drawn by

cattle. Two gangs of men were at work, one beginning at the wharves and cutting down, the other beginning at the clear water and cutting up. Each gang numbered over a hundred. Perhaps there were four hundred workmen in all. For lookers-on, there seemed to be half the city and surrounding country, some in sleighs, some on skates, and some on foot. Females and children walked fearlessly from Long Wharf to the Castle, and enjoyed it highly. Among other persons, I met Mr. Theodore Lyman with his two daughters. There were merchants, lawyers, clergymen, and people of every description, some of whom had not been on skates for twenty years. There were booths erected for the sale of refreshments, at different parts of the track, and from the end of Long Wharf to the place where the lower gang was at work, a distance of five miles, there was a well-marked foot-way, and travellers upon it were as frequent as on the great highway to a city on a festival day. I skated down as far as the ice would allow, which was within about a mile of Long Island Light, and across to Fort Warren and East Boston.

In the winter and early spring of this year Dana went on a lecturing trip, in the course of which he visited Washington for the first time. From thence he wrote the following letter to his wife. The explosion on board the Princeton occurred on the 28th of February, and the Griswold referred to in the beginning of the letter was Rufus W. Griswold, author of "Poets and Poetry of America."

Sunday evening, March 3. Was sitting writing in my hotel when a sudden pounding on the door, and in rushed Griswold again, breathless and panting, to tell me that there had been a blow up on board the Princeton, and Upshur, Gilmer, etc., etc., killed.

From this moment there was nothing but excitement and consternation all over the city, and rumors flying about. Was there ever anything like the ill luck that attends this man, John Tyler! The president, two secretaries of state, one secretary of the navy, and these other three men, died and killed, his own body servant killed, the postmaster-general stabbed, and yesterday, on coming from the funeral, his carriage ran away, and his servant was thrown off and all persons in it and near it put in danger. While the procession was moving to the capitol a purser in the navy died in the city, and Friday afternoon a member of Congress from Pennsylvania died near the capitol. . . .

The best fact in my letter I leave to the last. I went to Alexandria, Friday, called on Mr. Dana, whom I knew to be the clergyman of the Washington family, and rode down with him to Mount Vernon. We had good horses, the day was a delicious one, like our best days in the early May; Mr. Dana knew the localities well, and pointed out the residences of the gentlemen as we passed them, with anecdotes of each, and ushered me into Mount Vernon. I cannot attempt to describe Mount Vernon, but will only tell you to say to father that he must go to Mount Vernon, if he passes through Washington, without looking to the right hand or the left. It is the most impressive place in America. It leaves an effect upon the feelings not to be erased. The long drive through the woods over the rude carriage path, the plain wooden gate which swings to after you, the old negro porter who stands by it and lets it shut itself, and answers pleasantly with a touch to the hat when you ask him if his mistress is at home and how

she does, the ancient house, kept at some expense from decay, with its high piazza, under which Washington walked to and fro every day, the whole inside of the house taking you back to the Virginia of 1780, the noble Potomac rolling at the foot of the mount, the ancestral trees, the tomb, the silence, the solemnity, the elevation of all about you, unite to raise you and take you back to the grandeur of an heroic age. What a possession is this noble, but simple estate, with the sentiment moulded into it by time, for the young proprietor who has succeeded to it. The wonder is that he is not as in a dream, or borne down by the sense of what is around him.

The venerable Mrs. Washington, the widow of the late and mother of the present proprietor, was there, and we sat with her for some time. She is a dignified, simple-mannered, kind woman, and Mr. Dana says has a religious character which would season a dozen ordinary Christians. Her son, the present proprietor, Mr. John Augustin Washington, a young man of two and twenty, did the honors of the place. He was married last year, and has a daughter about ten days old, so that we were in sympathy from having each a single child, — a daughter. He was educated at the University of Virginia. A more easy, natural, frank, yet high-spirited and well-cultivated man I have rarely seen. There is something about the manners of the Virginia gentlemen which you don't find elsewhere. Plain in their dress, simple in their manners, the question whether they are doing the right thing, *comme il faut*, whether this or that is genteel or not, never seems to occur to them, or to have any place in their minds. There is a freedom of true gentility, as well as of true Christianity,

while many men aim at the mark by striving to do the deeds of the law, not having the guide within, and are all their lifetime suffering bondage. I took a great fancy to this Mr. Washington and to his mother, as you see.

We rode back to town, which we reached by nightfall, and it being too late to return to Washington, I passed the night at Alexandria and spent the evening at the house of Mrs. Fitzhugh, widow of a Virginian of wealth and distinction, herself a Goldsborough of Maryland, an old Federal family, where I met Mr. Robert Lee, son of General Lee of the Revolution, heir to the Custis property, and brother of Charles Carter Lee, whom father knew at Cambridge, two granddaughters of Richard Henry Lee, and two other young ladies of the Floyd and Mason families, — all of the old Federal Virginia aristocracy, and all strong Church people and regular attendants on all occasions. Mr. Lee rode seven miles that afternoon to the Friday service of Lent. Mrs. Fitzhugh was more like Mrs. Arnold than any other woman I have seen. So you see I am quite insane about Virginia. It has a dark side, however, and the issues of its life are uncertain.

Yesterday we had a great funeral solemnity, processions, minute guns, etc. I went to one of the Episcopal churches to-day, which was quite full. The Unitarian, at the next door, almost, was quite thin, I am happy to be informed.

The summer vacation of 1844 Dana devoted to a trip in the mountains and among the lakes of Maine. As he returned from it he closed a letter to his wife, dated from Cape Cottage, Portland Harbor, in the following way, characteristic of him in every respect: —

Wednesday evening, August 28. I have been successful in everything. I have had fine weather, the best of health and spirits, have seen everything to advantage, and have enjoyed every minute. Where I am now writing the sea roars in my ear, the light-house throws its light across the water, and white sails are stealing up the harbor by the moonlight. I was in love with the country, the mountains and lake, and thought it a delight to be among them, and now when I see "Old Ocean's gray and melancholy waste," and hear its voices, my first love returns with an overcoming power. I feel as though I had been so favored at every step that I ought not to hope for only good. "Have we received good at the hand of the Lord, and shall we not also receive evil?"

September 13. The Parish of the Advent incorporated itself, and appointed a committee to draw up a constitution. There were thirteen members present.

In the autumn of 1844 Macready, the English tragedian, visited Boston, and Dana met him socially a number of times, though they never had much conversation together. A strictly moral as well as a religious man, Dana still retained the old New England prejudice against theatres, as being sinks of iniquity and little better than assignation houses. He never until later years visited them; but in the case of Macready he made an exception. A number of gentlemen had secured the Melodeon for a series of subscription performances, and their names and the actor's private character Dana accepted as a sufficient warrant that all would be right. Accordingly, he subscribed and went with his wife, seeing for the first time the parts of Hamlet, Shylock and Macbeth rendered by an actor of note. The performances were the talk of the town, and to Dana they were a revelation. "Truly," he wrote of Hamlet, "it is

great playing. But what a glorious play! You are lost admiration of the play itself. What a miracle that it should ever have been written!" Then three days later he dines with a small company at Professor Channing's. "Nothing talked about but Hamlet. The professor says he had seen Kean, and thought no acting could suit him, and he feared he was getting too old and frosty to be moved by it now; but this put him into raptures. Again and again he came back to it. Passage after passage was repeated and discussed, and the beauties of the performance grew upon us."

October 14. This evening went to see the Macbeth, which was Macready's benefit. He played admirably, but never was a play so destroyed by the accompaniments. The witches, the murderers, and the ghost of Banquo were ludicrous and provoking. The audience laughed, and it was irresistible to see two paltry, chicken-hearted lads, one lisping and the other squinting, saying, "I am one whom the vile blows and buffets of the world have so incensed that I am reckless what I do to spite the world."

His conception of the character seemed to me excellent. He looked like a noble chieftain and a heroic soldier, and yet when he comes in comparison with the mind of his wife, and he turns his thoughts to the consequences of his act, there is almost a weakness about it. His speaking of the passage, "better be with the dead, — Duncan is in his grave," was beyond comparison. Miss Charlotte Cushman acted Lady Macbeth faultlessly. Many persons of good taste about us said that she did it much better than Fanny Kemble, especially in the sleep-walking scene, which Fanny Kemble declaimed, and Miss Cushman whispered or uttered in a low convulsed agony. The first word, "out," was given in a tone perfectly dream-

like. So was nearly all. It was broken, wandering, low, convulsed, and agonizing.

October 15. This evening Macready took his leave of his Boston friends by giving them an entertainment at Papanti's Hall. It was one of the prettiest and most successful things I ever knew, and quite original.

He had about three hundred people of the highest fashion and intelligence in the city, and a great part of the clergy. Among them were Mr. Webster, Mr. Choate, Chief Justice Shaw, President Quincy, Abbott Lawrence, Nathan Appleton, and other distinguished public men, the Ticknors, Eliots, Dwights, Nortons, Searses, Otises, Quincys, etc., and Longfellow, Felton, Hillard, etc. The hall was brilliantly lighted, and filled with chairs, placed in rows. Macready sat on a small platform, with a desk before him, and read sitting. He first read Dryden's song for St. Cecilia's Day, beginning "From harmony, from heavenly harmony," then Wordsworth's "Old Cumberland Beggar," then "O'Connor's Child," and ended with the scene from Henry IV. part 2d, beginning where the king asks Clarence where the prince is, and going through to the death.

Between each reading there was an interval of about ten minutes, when the gentlemen walked about and talked to the ladies, and between the second and third readings there was lemonade handed about.

Soon after the reading closed the doors to the supper room were opened, Macready led in a lady, and the rest of the company soon followed. Here were ices, salads, champagne, and the usual supper-table accompaniments. This over, we took our leave of our host and departed, delighted with the entertainment in every respect.

The Ode he read with skill and force. The Old Beggar he gave with all the refinement and delicacy it requires. It was melting: but O'Connor's Child took the heart out of you. The scene from Henry IV. was read with great skill and feeling.

The whole affair was novel, brilliant with beauty and distinction, and exciting and interesting from his performances, and must have been grateful to himself.

December 1. *Sunday.* The first public worship of the "Church of the Advent" was held this day, being Advent Sunday. We had prepared a hall in the second story of No. 13 Merrimack Street, with bare walls and wooden benches, but a chancel neatly railed off and simply fitted up, a pleasant house organ, and a full, reverential and exceedingly interested congregation. The services were conducted in the best possible manner by the rector, Mr. Croswell, the music was excellent, Charlotte singing the first part, and the sermon very impressive and appropriate. Then we had the communion administered to between forty and fifty communicants. Everything is auspicious, so far.

1845. *September* 5. Great meeting of the bar on the occasion of the death of Judge Story. Never did the bar appear in such strength, and rarely have I known a more impressive scene. The notice was given for ten o'clock, and from a few minutes before until a few minutes after the members flowed in in a stream, filling up not only the bar, but every seat in the room, the witness and jury seats, and the places for spectators; and the whole company were lawyers. Probably not a lawyer in the city was absent who had the physical power to come. More than half the younger

members had been pupils of the judge. Among the older were faces which were unknown to the junior members of the bar, which had not been seen in court for twenty years. Webster moved the resolutions in a dignified and feeling speech. Old Judge Davis seconded them. Then the venerable Jer. Mason moved a resolution that Mr. Webster be requested to prepare a eulogy, which Judge Sprague seconded. Chief Justice Shaw presided.

September 18. Professor Greenleaf pronounced a discourse upon Judge Story before the Law School and the University. His audience, beside ladies and strangers, consisted of nearly all the officers and students of the college, over a hundred law students, and a large proportion of the Boston bar. The discourse was written in a simple, earnest and feeling manner, and delivered in a corresponding manner. I never saw more fixed attention. When he closed, every man seemed to move in his seat for the first time.

The last time I ever saw that most amiable, single-hearted and industrious of men, Judge Story, was in his own court. During an interval in an argument I stepped up to the bench to ask whether I should make a motion. But this was not enough for him. He could not meet a pupil without a greeting. He moved from his seat, his face beamed with kindness, and he shook me by the hand in the most cordial manner, and then listened to my business. I believe this was the last day he sat in court. If not the last it was near it, for his death was about a fortnight after.

December 9. Arrived at Philadelphia at three o'clock. . . . I went to the United States Hotel, ordered a fire in my room, and after dinner sat down to read over my lecture. While reading heard a loud

knock at my door. Had hardly answered it before it burst open, and in tumbled a short, fat, greasy-looking man, with a soiled neck-cloth and wet black hair, quite out of breath, and breathing like a porpoise.

"Mr. Dana, I presume. Mr. R. H. Dana, Jr., from Boston?" "Yes, sir." "You lecture to-night before the Mercantile Library Association." "Yes, sir, I hope to." "Well, sir, I am Mr. —— of the ——. You may know the paper if you don't know me." I told him I knew the paper by reputation. He then apologized, said he was out of breath, was large and tired, and took a chair. He told me that it was their custom to give a notice of the lecture in the paper of the next morning; that if they employed a reporter they could not set it up in season; and, in short, that he would be much obliged to me if I would give him a sketch of my lecture for the press.

I asked him if it was usual to do this. He assured me that it was, and was considered perfectly proper. Without more ado, he moved his chair up to the table, took off his great coat and India rubbers, drew from his pocket a roll of foolscap paper which he put on the table, took from another pocket an inkstand and quills, and proceeded to make a pen. He then desired me to give him the heads of the lecture, and planting himself, ready for action, said, "'American Loyalty,' well, go on, sir, if you please."

I told him what my first point was. "I shall put it in the third person," said he, and began repeating aloud, as he wrote, "The lecturer opened with a happy allusion." "Now, go on, if you please, sir," and took down my first point. "Done!" said he, and looked up for some more. I then gave him the second head. Still muttering in the same undertone,

"The orator next forcibly and clearly defined and illustrated" — he took down my second point. The next paragraphs he varied by "Mr. Dana proceeded," or "Mr. Dana then eloquently," etc., and so on to the end.

"Now," said he, "a lecturer usually has some favorite sentences, some pet forms of expression, or the like, some passages more high wrought than the rest. Suppose you give me some of these. Select 'em for yourself."

This was a ridiculous position. I had some thought of breaking off with him, and telling him I did not quite like the manner of proceeding, but he was good-natured and seemed to depend upon it, and it was a difficult thing to do. I told him I had some sentences which had been applauded in other places, and which I rather relied upon to hit the humor of the audience. "That 's it," said he, "that 's what I want. Now, sir, go on, if you please, sir." I then picked out two passages which he copied verbatim, introduced with phrases of "poetical," "graphic," and the like, and one of them he prefaced by saying, "as nearly as we could catch his words," and then copied from my manuscript.

As he was counting over his pages I observed that the first was numbered two. I told him he had made a mistake. "No, sir," said he, "I 'm right. The first page has been set up." He felt in his pockets and produced a crumpled sheet, saying, "Here it is, sir. I thought I would read it to you," and on he went through a paragraph stating that last evening, — Mr. Dana, etc., — large audience, — élite of the city, — marked approbation, — frequent applause, — glowing with patriotism, — gems of poetical effect,

etc. "I have said 'notwithstanding the bad walking,' for I don't think it will rain" — here he looked out of the window — "but it is safe to say the walking was bad."

I asked what he would do if that was not true. Perhaps the audience would be thin, or I might fail, or get no applause. "Oh, never fear; it will be all right. We'll take care of that, sir; that's our look-out."

Here he jumped up, thanked me for my kindness, and hurried off.

In about an hour more he appeared again, blowing as before, he apologized, and said he had left his overshoes and umbrella. Before he went he pulled out another sheet from his pocket, and said, "We've put a tail upon you, sir. We thought we would give it a fine ending," and he read off a concluding puff in which he apologized for reporting so little of a lecture so well deserving," etc. He took his leave, saying, "This will all be in type, sir, before eight o'clock."

In one place, while I was reading to him, I used the phrase "sovereignty of law." He muttered, "Law, law, we've had that once. Suppose we say people," and down went "sovereignty of the people" instead.

I must do the man the justice to say that he was at the lecture, and that there was some change made in his article, introducing a little more of the lecture, but the puffs seemed to be unaltered.

1847. *August.* I had in July the most extraordinary conversation with Horace Mann, of the Board of Education, that an author, I suspect, ever had with a critic. He wrote me last spring a curious letter intimating that the Board of Education wished to publish my book "Two Years" in their series, and

the object of the letter was substantially to inform me that they would do so if I would make the book worthy of this honor, by amending it, giving more information, making it more useful, etc. I replied, telling him that I had no rights in the book, as the manuscript was sold to the Harpers, and added, which was intended as ironical, that otherwise I ought to be obliged to them, etc., for an opportunity to make emendations under their advice.

A few weeks after this Mr. Mann entered the office. I had always feared I had hurt his feelings, and I fully expected either an apology or complaint. Judge of my surprise to find that he had taken me literally. He was glad that I had been so ready to take the suggestions of the Board. I asked him, of curiosity, what improvements they would suggest. He gravely proceeded to state the defects of the work, and the improvements he and others of the Board would suggest. He thought the book fell off in interest at the close, that the concluding chapter was wanting in the true, humane and philanthropic spirit (as an excuse for which he kindly intimated that it was probably hastily written), and that the book should contain more valuable information, which would be useful to young persons, statistical information and facts as to the countries I visited, their resources, productions and the habits of the people.

I entered into a defence of the book, and led him on, to see what his notions were. He finally gave me to understand that the interest and value of a book consisted in its moral teachings and the information it conveyed as to matters of fact. A narrative, a description, had no value except as it conveyed some moral lesson or some useful fact. The narrative was

a mere vehicle for conveying knowledge. He thought my narrative interested persons, and therefore should be made use of for valuable purposes, as a gilding to a pill, as a mode of getting the attention of readers, especially the young, to various information, statistical, etc., which I might interweave with it.

I suggested the idea that there was such a thing as unity in a book. That mine was simply a descriptive narrative, and that to make it statistic and didactic would destroy its character, almost as much as it would that of a drama. I said it had life, and that the course he proposed would stop the circulation of the blood. But this was "all leather and prunella" to him. He had but one idea in his head, and that was the idea of a school-master gone crazy, that direct instruction on matters of fact was the only worthy object of all books.

I told him my mind pretty freely, but he was so intrenched behind his one idea that I could not recall him. He thought that if "Robinson Crusoe" and my book and other narratives and stories which are popular could only be pressed into the service of education, and made to carry off the burdens of knowledge for the poor boys and girls, it would be a great work for humanity.

He was most felicitous in his remarks throughout. In fact, I never saw such an exhibition of gaucheness and want of tact in my life. He told me that the Board consisted of a number of gentlemen, but that only two of them had read my book. He said it had no doubt circulated on the seaboard, but that if the Education Society published it, they would give it a circulation throughout the State. Speaking of compensation, he thought that should be small, as it ought

to be enough for me to get the approbation, the indorsement, of the Board upon my book, to give it additional character and weight, which indorsement they would probably be willing to give, after my emendations. As a further instance of tact, he said they had a small series for children, and a larger series of works of a more standard character, and added that, of course, mine would go into the smaller series. In short, there is no end to the stupid, *gauche,* narrow things this man continued to say. If some enemy had employed him to come and try my patience to the utmost, he could not have executed his task better. I got reckless at last, and advanced the most extraordinary and barbarous sentiments on the subject of education, to see if I could move him off his centre of gravity, but to no purpose.

He said he thought I ought, for my own interest, to do something of this kind, for the Harpers told him that they had not made much out of it, and that the sale was nearly over. I told him that I knew better, and gave him some account of their dealings with me and with others. He hoped this was not so, but thought they must be right as to the sale of my book, that it would be aided by the imprimatur of the Board.

I told him I would not touch the narrative, nor interlard it with anything didactic or statistic. There were some verbal changes I would like to make, which affected the accuracy of the style, and I would consider the question as to my chapter on the history, geography, customs, laws, etc., of California. I would not much enlarge it, but would reëxamine it, and if I had any changes to make would let him know. But vetoed, positively, his idea of altering the substance of the book, of course.

CHAPTER VII.

POLITICS — THE FREE SOIL MOVEMENT OF 1848 AND THE BUFFALO CONVENTION.

In the following extract from a letter to his wife, Dana spoke of the obsequies of John Quincy Adams, whose death at Washington had occurred on the 23d of the preceding month: —

1848. *March* 12. The demonstrations on the death of Adams show that republics are not ungrateful; certainly not more so than kings. But he fell upon good times. In Athens he would have been ostracized a dozen times: in Rome he would have taken poison in despair of the republic; in France he would have been guillotined; in Henry the Eighth's time he would have been beheaded at the block.

Faneuil Hall was a solemn sight, — shrouded in black, windows darkened, and lighted by gas, guarded by soldiers, with sentinels erect at the head and foot of the coffin, like statues, night and day. He began his political career under my grandfather, and always professed to hold his character in reverence. I am curious to know what he will say of him. They were not alike. My grandfather had more pride than ambition; Adams, more ambition than pride There was some political difference between my grandfather and his father, the President, and those Adamses are Highlanders in their feuds.

The next important entry in the journal is brief, but very significant. As he penned it, Dana little thought how significant it was. In truth, he had unknowingly come to where the road before him in life forked; and, though apparently he did not then stop to read it, the finger-post pointed to different destinations.

July 27. Make my debut in political life as chairman of the Free Soil meeting at the Tremont Temple. Full attendance and well received.

Dana was now just completing his thirty-second year. He had hitherto strictly devoted himself to his profession, in which he had already acquired an excellent standing. He was recognized as one of the most promising of the younger members of the Suffolk bar. In politics he was by heredity a Federalist, and by instinct a conservative. So far as the political parties of the day went, he was a Whig, and a Webster Whig. Indeed, for Mr. Webster he up to this time had felt and expressed the most profound admiration, looking upon him as little less than an intellectual prodigy. But Dana, though he grew up a Whig, was born a Federalist, and for Harrison Gray Otis, and the public men of the Otis school, he had a marked kindness of feeling. This colored his judgments, and more than once found expression in his diary in entries like the following, the first of which was made immediately after some argument in court: —

Among my hearers was Harrison Gray Otis. After I was through I put some questions to him respecting the accuracy of some statements in Bradford's "New England Biography." This started him off upon old times. He spoke of Samuel Dexter, and said, "You know that he bolted soon after the war. He did n't quite come up to the Frank Dana school." Mr. Otis never spoke a sentence without contriving to work in something complimentary or

gratifying to the feelings of the person conversing with him.

Some years later there is an entry in the diary describing an interview of a very different sort with another public character, also prominent in latter-day Federal politics, but on the opposite side to Otis. In 1844 Dana had occasion to visit Washington, and under date of Saturday, March 2, he wrote as follows: —

Called upon President Adams. He was very dull and abstracted, and although he had told me he wished to see me and to talk with me, yet he had nothing to say. After a dull half hour I rose to leave. He invited me to tea, but I declined. As I left the room, he took my hand, and said, "I retain a sense of the greatest respect and affection for the memory of your grandfather. He was my friend and patron when I was setting out in life, and the friend of my father." He seemed to feel something when he said this, but, upon the whole, his manner was such as would be sure to drive away all young persons.

Of Mr. Adams he again said twenty-one years later in his Address on the character of Edward Everett: —

Without undertaking to analyze and classify those qualities of Mr. Everett, physical and moral, which go to make up what we call, for convenience, the temperament, one cannot but be struck by the contrast between him and another statesman of Massachusetts, his near neighbor in birth and residence, — John Quincy Adams, — of whom Mr. Choate once playfully said, in the privacy of his study, what has passed into public biography, — "What an antagonist he was! An instinct for the jugular and carotid artery equal to that of any of the carnivorous ani-

mals;" and whom Mr. Everett described as one whose natural place would have been at the weather yard-arm in a tempest, or leading the forlorn hope through the deadly, imminent breach.

A Federalist, a conservative, and a Webster Whig, — all his social connections being with the representatives of the Massachusetts cotton manufacturing interests, there was also something peculiarly repulsive to Dana in the radicalism and extravagance of the anti-slavery agitators. It has been seen how their attacks on law and religion shocked and angered him; while their disregard of the ordinary conventionalities of life annoyed and offended him. All their methods of discussion as well as their personal peculiarities tended to drive him to the side of those they attacked. Under these circumstances the political course Dana now took was in the highest degree creditable to him. He adhered to the right. He adhered to it on principle, regardless of self-interest, of his own dislike to its exponents, of personal and professional odium, and of social ostracism.

A few years later Dana had occasion to set forth the grounds upon which he now identified himself with the Free Soil movement, and he did it better and more clearly than another could now do it for him. After the sessions of the Massachusetts Constitutional Convention of 1853, Daniel Lord of New York wrote to Dana commending his course as a member of the Convention, but at the same time expressing his surprise that one so conservative could be a Free Soiler. Dana's answer to this letter was dated January 26, 1854, and part of it is as follows: —

1. I am a Free Soiler by inheritance. I am the son and grandson of Federalists. The northern Federalists were decided Free Soilers. The exclusion of slavery from the Northwest territory is owing to them. In New England, they opposed the

Missouri compromise to the last. The yielding to the South on that point in 1820, the parent of so much evil, was by the Democrats. Harrison Gray Otis, in his celebrated letter in 1848, said that the Federal party was the original Free Soil party, and ridiculed the Buffalo platform as mere supererogation. The Federalists had a deep hostility to any increase of slavery, or of the power of the slave-holding aristocracy in our government.

2. I am a Free Soiler by education. I was educated a Whig. The Whig party of New England has been a decided Anti-slavery and Free Soil party up to and through the contest of 1848. I will agree to adopt no positions on the slave question, or any great matter, for which I cannot vouch the unanimous or all but unanimous resolves of the Whig legislatures and conventions of Massachusetts. You know that Mr. Webster was a Free Soiler to March, 1850, and approved of the whole Buffalo platform, thinking it only needless, and claiming the Wilmot Proviso (the test of Free Soilers) as his thunder.

3. My conservatism leads me to it. There is a compound of selfishness and cowardice which often takes to itself the honored name of Conservatism. That false conservatism I call *Hunkerism*. Now, hunkerism of all names and sections, Whig or Democratic, making material *prosperity and ease* its pole star, will do nothing and risk nothing for a moral principle. But not so Conservatism. Conservatism sometimes requires a risking or sacrificing of material advantages. Radicalism, also, will do nothing to resist the growth of slavery, because that is purely an act of justice to others. It is not *our freedom* that is at stake. If it were, the Tammany Hall mob would

be on our side and beyond us. But in a case for liberal, comprehensive justice to others, with only a remote and chiefly moral advantage to ourselves, to be done at the peril of our immediate personal advantages, conservatism is more reliable than radicalism.

4. I am a Free Soiler, because I am (who should not say so) of the stock of the old northern gentry, and have a particular dislike to any subserviency or even appearance of subserviency on the part of our people to the slave-holding oligarchy. I was disgusted with it in college, at the Law School, and have been since in society and politics. The spindles and day-books are against us just now, for Free Soilism goes to the wrong side of the ledger. The blood, the letters, and the plough are our chief reliance.

Having said so much, I will add that I take you literally. You mean "Free Soiler" and nothing else. A technical Abolitionist I am not. I am a constitutionalist, and in favor of adhering honestly to all the compromises of that instrument. If I were in Congress, and the South should come into court with clean hands, keeping faithfully her side of the compact, and demand of us a fugitive slave law, I should feel bound to give her one (either by national or state legislation), and a *bona fide* one, but one consistent with law, decency, safety to the free, and the self-respect of the North.

I have inflicted upon you a pretty heavy penalty for a word, and without a jury, too. But permit me to say that I have written so at length because there is a good deal of misunderstanding as to the position of Massachusetts Free Soilers, because I know you are capable and desirous of doing justice to those from whom you differ, and because I value highly your favorable opinion.

To be an avowed Free Soiler in Boston between the years 1848 and 1856 implied a good deal. The social, financial, and political conditions then existing are now almost forgotten, and in few years more he who speaks the truth about them will be denounced as a maligner. Society, as it is called, — that is, the wealth, culture and professional and business activities of Boston, — in short, the large majority of those "best people" towards whom Dana felt an instinctive affinity, were Whigs, and devoted personal as well as political adherents of Mr. Webster. A certain thin, colorless anti-slavery sentiment had always been current and fashionable among them, a sentiment handed down from the early days of the republic, and more recently reflected from England; but it was a mere sentiment, having no hold either in conviction or in material interest. On the contrary, so far as material interests were concerned, a great change had recently taken place. The manufacturing development of Massachusetts had been rapid, and a close affiliation had sprung up between the cotton spinners of the North and the cotton producers of the South, — or, as Charles Sumner put it, between "the lords of the loom and the lords of the lash." So long as Mr. Webster adhered to the anti-slavery utterances of his earlier days, — so long as he saw fit to claim the Wilmot Proviso as his thunder, and to keep terms with the Liberty party, — the reactionary under-current was scarcely perceptible; but when he changed front openly, — putting in his bid for Southern support, — there was no longer any concealment. Under the guise of loyalty to the Union and the Constitution, social and business Boston by degrees became in its heart, and almost avowedly, a pro-slavery community; and it so remained until 1861. After the war of the rebellion fairly broke out, a stronger feeling, that of patriotism, dominated over sympathy with the South; but even when there was hardly a family in the city which did not count father, brother, son or husband in the field, talk as treasonable as

it was idle was daily and hourly heard in the fashionable club-house of Beacon Street. True, it was then mere chatter in the mouths of human parrots; but it echoed loudly and constantly what a few years before had been the political creed of the acknowledged leaders of the town.

Between 1848 and 1856 feeling also ran high; and in Boston it ran all one way. Women became politicians. Weak attempts were made at social ostracism; attempts ludicrous now to look back upon, but at the time exasperating to those against whom they were insolently directed. An abolitionist was looked upon as a sort of common enemy of mankind; a Free Soiler was only a weak and illogical abolitionist. The bold and pointed criticisms made on Mr. Webster were resented as outrages on decency. The few representatives of the unfashionable side — and in number they were a mere handful — who had a recognized standing in the drawing-rooms of Summer, Park and Beacon streets were made to feel in many ways the contempt there felt for the cause they had espoused. Sumner and Dana, for instance, had long been frequent and favored guests in the house of Mr. Ticknor. After they became pronounced Free Soilers they soon ceased to be seen there; and, indeed, things went so far that all social relations between them and the family of their former host were broken off. So it was generally. Slowly but surely the country was working itself up to the war point; and the conservative and reactionary interests, instinctively realizing the fact, demeaned themselves according to their wont.

Dana was not a man to regard considerations of this sort, or to pause in his course for one instant from fear of social or professional slights. He did not feel called upon to assert himself socially, for the reason that no doubt as to his social position ever entered his mind; he held himself and his family high. Neither did he now care for social life. Immersed in his profession, with a house full of young children, he had neither time nor inclination for evening enter-

tainments. Never a party goer, he rarely dined out, and only occasionally went to receptions. So far as what is known as society was concerned, therefore, the unpopularity of the cause he advocated affected him far less than it did Sumner, upon whom many and pointed slights were put, which he felt keenly, and rarely forgot or forgave. From the professional point of view this open and conscientious adhesion to the unpopular side affected Dana much more. He was, as will presently be seen, openly taunted with striking the hand that fed him; and he was not the man to bear such a taunt in silence. Moreover, nearly all the wealth and the moneyed institutions of Boston were controlled by the conservatives; and among the moneyed institutions were the marine insurance companies. The ship-owners and merchants were Whigs almost to a man. It is, therefore, safely within the mark to say that Dana's political course between 1848 and 1860 not only retarded his professional advancement, but seriously impaired his income. It kept the rich clients from his office. He was the counsel of the sailor and the slave, — persistent, courageous, hard-fighting, skilful, but still the advocate of the poor and the unpopular. In the mind of wealthy and respectable Boston almost any one was to be preferred to him, — the Free Soil lawyer, the counsel for the fugitive slave, alert, indomitable, always on hand. It is impossible to say how many clients were prevented from going to Dana during his years of active practice by considerations of this sort; but the number was unquestionably large, and the interests they represented larger still. Indeed, brilliant as was his career at the bar, he never had what would be considered a lucrative practice; and that he did not have such a practice was due to prejudice connected with his early political associations. He too suffered for his advocacy of the poor and the oppressed.

Judged by worldly results to himself, the step Dana now took was probably a mistake. He went out of the line of

his profession and mixed in politics. He in so far dissipated his force. In doing this he did only what many had done before, and many others have done since. Among Massachusetts men and Boston lawyers John Adams, Fisher Ames and Daniel Webster were cases in point. That in certain ways Dana had a strong natural call to public life is undeniable; he showed this while a member of the Convention of 1853, and after that he always looked forward to a political career, which was some day to open before him. In one of the many familiar talks which as a student in his office I had with him a few years later, I remember his speaking of himself in this respect with the utmost freedom. He then said that he thought the Senate chamber, — a political body, as he expressed it, of some fifty or sixty members, — would be the field in which his powers would find their most perfect play, and that in which he could accomplish the best results of which he was capable; and long afterwards I heard James Russell Lowell, who knew him well, express a precisely similar opinion. Until late in life he confidently believed that to become a member of such a body was a thing in store for him before he died.

Yet it may well be questioned whether in this country, at least since the year 1848, a successful political career would have been possible for a man of Dana's temperament and peculiar way of looking at things. He was born fastidious, and at bottom always remained so, — his personality was pronounced, causing in him a tendency to idiosyncracies very incompatible with a continued political life in America. He was punctilious about religion, observances and rites, about points of honor, about family and social position, about the past, about precedents. He would look at things in a large way, present them with incomparable clearness and move towards his end with directness and strength; then suddenly some needless side issue was apt to present itself and assume undue importance, — an issue, perhaps, which he had himself created. He thus constantly

offered to his opponents points of attack, and they were points of attack upon which the popular sympathy was almost sure to be against him. No man of Dana's peculiar type has ever yet been a success in American politics.

But if, like John Adams, — who of all the New England public characters he most resembled, — Dana was to achieve success in public life, he could achieve it only by pursuing the course which John Adams pursued, — that is, by throwing himself, body and soul, into a rising popular cause and absolutely identifying himself with it. Had he done this, the chances would have been against him, but still not impossibly he might have played a large part in the movement of which he could hardly have failed to be a mouthpiece. It is not probable he ever formed for himself any well-defined plan of political career, but rather always looked forward to it as a somewhat vague possibility; nevertheless had he, instead of thus drifting to his end, really matured some such plan, the instinct which caused him in 1848 to break ground politically by consenting to attend the Buffalo convention of that year as a delegate would have guided him well.

The Buffalo convention was one of the more important upheavals in the process of political disintegration which went steadily on between the years 1844, when the "Birneyites" deprived Henry Clay of the electoral vote of New York, and 1856, when the Whig party disappeared, and the pro-slavery Democracy found itself confronted by the anti-slavery Republican organization of the North. In 1848, though the Whig party was already doomed, its time had not yet come. The Free Soil movement of 1848 was, therefore, premature; and moreover, as the result afterwards showed, there was something almost ludicrous in a combination of "Conscience Whigs" of Massachusetts, in revolt over the nomination of the slave-owning General Taylor, with the "Barnburning" Democrats of New York, intent only upon avenging on Cass the defeat of Van Buren. None the less the Free Soil movement of 1848 clearly

foreshadowed the Republican uprising of 1856, and of the men who took part in the Buffalo convention an unusually large proportion afterwards became prominent as political leaders.

Dana was not destined to be one of these. To have made himself one of them it would have been necessary to subordinate law to politics. He might for twelve years yet to come have followed his profession, but the law is proverbially a jealous mistress, and the political movement must have absorbed his thoughts and attention to such an extent that his heart would not have been in his work. John Adams went through almost exactly the same experience. In 1848 Dana was a young lawyer steadily growing in his profession, with a family wholly dependent upon him; so was John Adams in 1765. Dana in the fugitive slave trials drew to himself great notice, identifying his name in the public mind with the popular side of a great political cause; John Adams did something of the same sort, but on the unpopular side, in his defence of the British soldiers concerned in the Boston "massacre." Here the parallel ends. When the revolutionary troubles broke out in 1775, John Adams abandoned his profession forever, and identified himself absolutely with the cause of national independence. Had Dana as the result either of chance or calculation pursued a similar course when the rebellion broke out in 1861, his political ambition might have been gratified. Perhaps no opening offered itself; but if it did offer itself, he failed to grasp it. Certainly at a later time he looked for it in vain. The tide in the affairs of men had flooded; and for him it did not flood again.

Dana owed his connection with the fugitive slave cases of 1853–54 to his political affiliations; and his connection with those cases was the one great professional and political act of his life. It was simply superb. There is nothing fairer or nobler in the long, rich archives of the law; and the man who holds that record in his hand may stand with

head erect at the bar of final judgment itself. This episode apart, — and it was purely an episode — it would in the final result have been better for Dana had he sternly set his face against all things political and, confining himself to the law, kept his eyes steadily fixed on its prizes. He never would have been a money-making lawyer; and indeed for money making in any way he had in his younger days a somewhat callow, even though chivalrous, contempt, and, in later life, small aptitude. No one who knew him would ever have sought him out as an adviser because of his skill or judgment in dealing with intricate business affairs. He was above all else a barrister, — a lawyer of the forum; and he had small business capacity. He would fight a case for all there was in it before a jury or the bench; he had a fair knowledge of the books and a strong grasp on legal principles; he was absolutely fearless, never hesitating to measure himself against any one; he did not know when he was beaten. His proper place, therefore, was at the bar. Up to 1848 he was on exactly the right path, — the path to distinctive professional eminence. Had he adhered to it, he not improbably would at last have attained, had he so desired, that foremost place in the judiciary of Massachusetts, once held by his grandfather. Most assuredly he would have risen to the front rank of his profession as a jurist of national fame.

Had he remained steadfast to his calling, all this well might have been; but with a pronounced taste for political life, Dana unfortunately had no political faculty. The influence his rough experience before the mast exerted upon him has already been referred to. To a certain extent it qualified him to deal practically with men. But, however potent for good or evil such an influence may be, it can only modify; it cannot develop in a man that which is not in him to be developed. Under certain circumstances Dana might have been an eminent statesman; but under no circumstances could he ever have been a successful politician.

When, therefore, he made his "début in political life" on the 7th of July, 1848, and when in the following August he went to Buffalo, he took the step of a lifetime, for thenceforward he never ceased to hunger for a public and political career. Had the contribution he made to politics and political discussion been large, it might have compensated for the loss both he and his profession sustained when he wandered from it; but such was not the case, for he never gave himself sufficiently to public questions to exert a perceptible influence upon results. His was but an intermittent voice in a loud and sustained tumult, — a voice that was lost in the uproar.

Nevertheless, both inclination and a sense of political duty pointing one way, Dana went to Buffalo in 1848. He went there as a Webster Whig, bolting the nomination for the presidency of General Taylor, — doing what his leader wanted to do, but did not clearly see his way to do. The following extracts from letters to his wife refer to the considerations which induced him to take part in the Tremont Temple meeting of July 7, and describe the circumstances which led to his being selected as one of the delegates to that convention, the action taken at which defeated Lewis Cass, and made Zachary Taylor president.

July 8. I write in a hurry, for I am going to spend Sunday with the Ticknors, leaving at 5.30 P. M.

I sent you a packet yesterday, and a few newspapers to-day, that you may see what I am doing. The "Whig" is favorable, the "Advertiser" hostile, and the "Chronotype" radical, so you can judge from them all. The meeting was very large, in the Temple, respectable and enthusiastic. Few of the experienced politicians have joined, but I confidently expect some action from some of them. I will send you my speech when it is reported in full, in a day

or two. It was very well received, and my friends who were present said I did extremely well. I am in it, in my heart. I think the honor of Massachusetts requires it, and I hope you will sympathize with me.

July 14. As to your question about the Free Soil movement, I cannot say that we do think our "efforts will put to naught those of the other parties." Our success depends upon the turn the public mind takes at the North the next three months, and the candidate nominated at Buffalo. As for myself, I can truly answer your question by saying that it *is* "only for principle's sake that I stir, after the other candidates are nominated." If the North can be brought to act with independence and spirit, we may be able to give the Free Soil candidate a very large vote; but whether enough to elect him, or what will be the ultimate result, I don't pretend to predict. "It is a case of duty."

July 21. You will want to know how I came to be chosen. Boston sends three delegates, with the understanding that one is to be taken from each of the three sections from which our party is made up, — Whigs, Democrats, and Liberty Party men. The last two named each its man, and the Whigs were somewhat divided between me and Sumner. S. wished to go, and his personal friends wished to have him go, but all the influential men were in favor of me, because they said Sumner was not a Whig, and would not be so considered by the people. Some of them said, too, that he had no courage and no opinions of his own, but would be influenced by others. The Free Soil men, who are Whigs, are in favor of Judge McLean and they

knew I would go for him. Accordingly they agreed on this, called upon Sumner, and told him he was not considered as a Whig, and that they thought the interest of the party required the election of one who was recognized as a decided Whig. He acceded to this view, wrote a very proper letter, and gave up. I told the convention I should do all I could in favor of Judge McLean, but should accede to the nomination of Van Buren if it was made. This is the history of the thing, and such is my position. If McLean is nominated, we shall do very well in Massachusetts, but if Van Buren, we shall be beaten. It is rather a forlorn hope in Boston, where the moneyed interest is so strong and so utterly indifferent to slavery. I expect to die an honorable death; at least, I am prepared to. How much I regret the want of pecuniary means. I could give time and money to this cause in such a way as to be an aid to it and a credit to myself.

July 28. Our politics are a most absorbing topic. We can hardly think of anything else. I am obliged to exert every effort to secure the right action of the Buffalo Convention, by letters and conversation with persons of every grade of opinion. I happen by circumstances to be put in a measure at the head of the party in Boston, and have much to do. If we nominate McLean and go forward well, and public sentiment goes with us, I shall yield to older and more distinguished men; but if Van Buren is nominated and we have up-hill work here, I suppose I shall be left undisturbed. But the cause looks very well indeed. I believe the spirit of the people is getting fairly roused at last, except in Boston.

Did I tell you that I found on examining the his-

tory of the original Free Soil ordinance of 1787 that it was seconded in the Continental Congress by my great grandfather Ellery, moved by Rufus King?

From this point the diary completes the narrative.

August 4–7. *Friday.* Left for Buffalo *via* New York at five P. M. . . . Left New York Saturday A. M. in the H. Hudson and reached Albany at night, rooms at Congress Hall. . . . Meeting in the cabin of all Buffalo people. Voted to have the convention organized with three from each district, etc. Left at seven P. M. Sunday, and reached Canandaigua at twelve M. of Monday, travelling all night. Left Canandaigua at night, slept four hours at Rochester, and reached Buffalo at noon. Rooms at American House.

August 9. Convention meets. Charles Francis Adams chosen president, received with great applause, and high tributes paid to his father and his State.

The recommendation of the committees adopted. This results in a mass convention to hear speeches and ratify, and a select convention, called conferees, to do the work — the latter being the actual delegates — each State three times its electoral vote. Our delegation mainly at the American, and our headquarters there. C. F. Adams, S. C. Phillips, Jno. Mills, our most prominent men. Wm. F. Channing and Cummings, the abolition editor, though neither of them delegates, attend one of our meetings, in our room, make motion, speak, vote, and try to interfere with the organization in the tenth district, but are voted down. When members generally learned that they were not delegates, they were much surprised, and they lost all influence.

Meeting of conferees at the court-house. Chase, of Ohio, president, and S. C. Phillips first vice-president, and acting. Organize and vote to have an informal ballot, *viva voce.*

August 10. Delegates meet at twelve M. in the Universalist church, which is on the Park, opposite the tent. It has no galleries, and none are admitted but delegates, not even reporters. The States have seats assigned them. Massachusetts and New York and Ohio in front and centre, Pennsylvania on the left, Indiana, Illinois, etc., on the right, and the smaller delegations at the sides.

B. F. Butler from the committee on the Platform reports the resolutions constituting the Platform. These were first drawn by a sub-committee of seven, unanimously agreed upon, then reported to the full committee of three from each State, discussed, modified and unanimously adopted. These were adopted by the delegates, by acclamation, and without debate. We reported them to the mass convention, which adopted them in the same manner with great enthusiasm. In our (delegates') convention, every sentence was applauded, and some enthusiastically, with shouts and screams, waving of hats and handkerchiefs.

The Platform having been adopted, we proceeded to the subject of the presidency, and it was a proof of the determination and principle of the convention, that it refused to do anything about the nomination until the Platform was settled, although it involved a delay of nearly a day.

It was voted to call the roll of members, and that each member should nominate the person who was his preference, it not being a binding vote, either on the convention or on the individuals, but only a mode of ascertaining opinions, informally.

Before doing this, we required to know the position of the candidates. Judge McLean being named, Mr. Chase of Ohio, nephew of Judge McLean, president of the delegates' convention, announced that Judge McLean was not a candidate. Explanations were loudly called for, and Mr. Chase further explained that he was authorized by Judge McLean to say that he refused to be a candidate, though his feelings were with us. Mr. Stanton then defined Mr. Hale's position, and said that as the platform was satisfactory to the Liberty party, Mr. Hale authorized them to abandon their nomination of him, made a year ago, and go into the convention [with all candidates] on equal terms, to abide its result. This was received with great applause.

Mr. Butler was then loudly called for, to explain the position of Mr. Van Buren. He expressed his personal willingness to do so, but declined unless required by a vote of the convention. It was then voted unanimously that he be requested to explain, etc.

Mr. Butler then made a long and able speech, explaining the history of the Barnburners' movement, ending by producing and reading Mr. Van Buren's letter of August 2, authorizing his friends to abandon his nomination at Utica, assuring them that it will be most satisfactory to him to have another person nominated in his place, and expressing the deepest interest in the convention. Mr. Butler expressed his belief that Mr. Van Buren would accept the nomination, and adopt the platform. His friends put themselves on the convention, to take its chance, and abide its results. This was the turning point of the convention. For we Massachusetts Whigs had determined

not to go into the ballot unless the Democrats came in on equal terms, and took with us the chances of the nomination.

The rolls were called. All the Democrats voted for Mr. Van Buren, and nearly all the Liberty men for Hale. But Chase of Ohio, Stanton and two or three others, voted for Van Buren. The Whigs held the balance of power. It was a critical moment when Massachusetts was called. It happened that S. C. Phillips was called first. Being a vice-president, he sat in the pulpit, came forward and said, in a clear voice, — Martin Van Buren. Applause broke out, which the president suppressed. Alvord voted the same way, and the two Democrats, which gave Van Buren four of the six delegates at large. I was called next, and named Van Buren. The same thing followed through the other districts, the Liberty men voting mainly for Hale. Mr. C. F. Adams, Weston, Brooks, and perhaps one other Whig named Giddings. The result was that in Massachusetts Van Buren had twenty to Hale's ten, and there were five scattering and one absent. The scattering were Whigs who named Giddings, for consistency's sake, but would have voted for Van Buren on an actual ballot. Adams told me I was right. He had a special reason for not naming Van Buren at first.

The result of the whole call was that 244 named Van Buren, 181 Hale, and 41 were scattering. It being clear that Mr. Van Buren had the greater number, Mr. Joshua Leavitt of Massachusetts rose to address the assembly. He was called to the platform, and made one of the noblest speeches that was ever made to a deliberative assembly. He sketched the history of the Liberty party and its

labors, sacrifices and efforts for fifteen years, the persecution and contumely it had suffered, the expense of time, money and reputation. He spoke of Mr. Hale, of his noble conduct, of the devoted attachment of the Liberty party to him. But now the time had come when they must surrender all into the hands of this new party. They must also give up their favorite candidate. This was touching in the extreme. We knew that Leavitt himself had sacrificed and endured all for this cause, and now, in the moment of its success, was to dissolve a party of which he was a leader, to take an inferior place among men who had just come into the movement. Many were moved to tears. One sentence of his was triumphant in its effect, and brought down the most enthusiastic applause. "This result, for which we have labored and suffered for fifteen years, the Providence of God and the misconduct of man have accomplished in an hour," — referring to the new issue of Free Soil, raised by the conquest of new territory. He concluded by moving the unanimous nomination of Mr. Van Buren. This was seconded by Lewis of Ohio, also of the Liberty party, in an admirable speech, and was carried by acclamation.

The question of the vice-presidency now arose. The president being a Democrat, it was a matter of course that the vice-president should be a Whig; and as the president was from the East it was agreed that the vice-president should be nominated by the West. Accordingly, Mr. Sedgwick of Massachusetts moved that the roll be called, beginning at the West. We then adjourned for tea, upon a suggestion that consultation would save time. The general understanding was that Ohio, the chief western State,

should consult the others, and that their nomination should be received. Ohio met and was unanimous for Mr. Adams. There was an enthusiasm for him, partly on account of his father, whose memory they desired to honor and vindicate, and partly on his own account, to vindicate him, as the early champion of the Conscience Whigs, against the attacks and sneers of the Cotton Whigs of Massachusetts. The feeling for J. Q. Adams was far greater than I had imagined. People crowded about the son, shook his hands, spoke of their admiration for the "old man," and seemed by a natural process of the mind to desire to show to him the respect they could not show to the father. The other western States were also unanimous, and the sixty [and] odd delegates from Pennsylvania met and resolved on Adams. A committee then called upon him, and told him what they meant to do. He at first refused, telling them it was agreed it should be a western man. "No," said these generous, whole-souled men, "No, the agreement was that it should be a western nomination, and we agree on you."

Mr. Adams was very much affected, and said he should do nothing, but leave it entirely to the Massachusetts delegation. We were called together, and agreed to say that we should leave it entirely to them — that we should do nothing for Mr. Adams, but if they chose to take him, we were much obliged to them.

The convention met at eight P. M. Before coming to order, Mr. I. L. White of New York spoke to the western men about Craven of Indiana, but they said they did not want him, they wanted Mr. Adams. An old fellow from Wisconsin, with sunburnt face,

hook nose, deep voice, and a noble, ardent countenance, seeing my badge, clapped his great hand on my shoulder, and said, "Yes, sir, we want him. He 's the man for this day and time. There he is *with the crape on his hat* now." Mr. Adams wore crape on a white hat for his father. It went to the hearts of these men, as though he had carried his image before him.

A gentleman rose and stated the opinion and feeling of the West, and moved that Charles F. Adams of Massachusetts be unanimously nominated. Never, since my ears first admitted sound, have I heard such an acclamation. Men sprang upon the tops of the seats, threw their hats in the air, and even to the ceiling. The cheering was repeated, the news spread to the tent, and in a moment we heard it given back with interest. We went on cheering, three for John P. Hale and his noble friends, three for the Liberty party and Joshua Leavitt, three for the Whigs, three for the Barnburners, three for John Van Buren, three for the Platform, etc.

Some inferior business being disposed of, we adjourned *sine die*, and our chairman reported to the Massachusetts Convention. Here again the platform and candidates were confirmed by a tremendous acclamation, and after songs and speeches the convention adjourned *sine die*.

Thus ended a noble and providentially successful convention. It was vital in every part, and conducted with absolute fairness. Each district, in sending its three delegates, had, as far as practicable, one from each of the former parties. In New York there were thirty-six from Democrats, thirty-six Whigs, and thirty-six Liberty men, or persons who

were nominated and stood as such, and in Van Buren's own State, almost every third vote was for Hale. So in every other State. Not an unpleasant word was uttered, not a personality arose, not a point of order was raised or disputed, not a complaint of unfairness was made in the organization or conduct of the convention.

August 11. *Friday.* Left at 7.45 A. M. for Albany, travelling day and night, reached Albany Saturday at nine A. M., took bath and dined at Delavan & Co.'s. Left at 2.45 P. M. for Springfield and Hartford, and reached Wethersfield at eleven o'clock at night.

During the months which followed Dana took an active part in the political campaign, making speeches in favor of the nominees of the Free Soil party. All this must have seriously interfered with his professional work, but, like lecturing, it brought him in contact with a great number of people, thus causing him to be more widely known. The election over, he returned to the routine of a lawyer's life.

CHAPTER VIII.

THE ADIRONDACKS AND JOHN BROWN.

The next year Dana visited the Adirondacks for his vacation outing. His diary contains a long and vivid account of his experiences, and of the exposure and fatigue he underwent, and, it ought to be added, thoroughly enjoyed. The original record is still interesting, notwithstanding those imperfections which necessarily occur in every uncorrected first draft of a narrative filling many pages; but during this trip Dana chanced upon no less a person than the afterwards famous John Brown, then living as a farmer in the wilds of northern New York. More than twenty years later Dana wrote out for the "Atlantic Monthly" (July, 1871) the following account of this experience: —

. . . In the summer of 1849 Mr. Metcalf and I went into the Adirondacks, then but little known to tourists. Our journey up the valley of the Connecticut, across Vermont, and up Lake Champlain, full of beauties as it was, presented nothing that would be new to most readers. At Westport, near the head of Lake Champlain on the New York side, we found a delightful colony of New England friends — a retired officer of the army, and two Boston gentlemen, one of leisure and one of business — planted in as charming a neighborhood as one need wish to live in, — the lake before them, the Green Mountain range across the lake, and the Adirondacks towering and stretching along the western horizon.

At this time Westport had sprung into active life by means of an enterprise of Boston capitalists, who had set up iron-works there. All had an appearance of successful business. The houses of the workmen, and the other appurtenances and surroundings were marked by a style which was but too pleasing to the fancy; yet they were the results of the application of wealth under good taste, and with a large view to the future. Changes of business or of tariffs or other causes have long ago brought all this to an end; and I suppose the little village has relapsed into its original state of torpor and insignificance.

Here we took up a companion for our wild tour, Mr. Aikens, in theory a lawyer, but in practice a traveller, sportsman, and woodsman; and Mr. Jackson lent us a wagon with a pair of mules, and a boy Tommy to commissary and persuade the mules, and we drove out of Westport in the afternoon of a very hot day and made for the mountains. Our route lay through Pleasant Valley, along the pretty Bouquet River, which flows from the mountains, winding among graceful hills, into the lake. We baited at Elizabethtown, and spent the night at Ford's tavern, in the township of Keene, sleeping on the floor, and finding that we were expected to wash in the river, and were on our way again before sunrise. From Keene westward we began to meet signs of frontier life, — log-cabins, little clearings, bad roads overshadowed by forests, mountain torrents, and the refreshing odor of balsam firs and hemlocks. The next morning we stopped at a log-house to breakfast, and found a guide to take us through the Indian Pass, and sent Tommy and his mules forward to Osgood's tavern; and, with no luggage but such as we could

easily carry on our backs, began our walk to Lake Sandford, Tahâwus and the Adirondack Iron-Works.

The day was extremely hot; and as the distance was less than twenty miles, we went on rather leisurely, stopping and wondering at the noble expanse of mountain scenery. There was no footpath, and we went by blazed lines, over fallen timber, from stream to stream, from hilltop to hilltop, through undergrowth and copse, treading on moss and strewn leaves which masked roots of trees and loose stones and other matter for stumbling; a laborious journey, but full of interest from the objects near at hand, and made sublime by the sense of the presence of those vast-stretching ranges of mountains. In the afternoon we came into the Indian Pass. This is a ravine, or gorge, formed by two close and parallel walls of nearly perpendicular cliffs, of about thirteen hundred feet in height, and almost black in their hue. Before I had seen the Yosemite Valley, these cliffs satisfied my ideal of steep mountain walls. From the highest level of the Pass flow two mountain torrents, in opposite directions, — one the source of the Hudson, and so reaching the Atlantic; and the other the source of the Au Sable, which runs into Lake Champlain, and at last into the Gulf of St. Lawrence, — but no larger when they begin, trickling from the rocks, than streams from the nose of a teapot. The pines growing in the high crevices look no bigger than pins, and in much of this Pass there is only a narrow seam of sky right overhead. Almost a wintry chill pervades the air, and we refreshed ourselves with water dripping from out of ice-caverns, and walked over banks of snow which lie here through the year, preserved by the exclusion of the sun. Neither road

nor footpath is practicable here, and the scene is one of wild, silent, awful grandeur.

Coming out of the Pass, a few miles of rough walking on a downward grade brought us again to small clearings, cuttings of wood piled up to be carried off when the snow should make sledding over the stumps of trees practicable; and about sundown we straggled into the little extemporized iron-workers' village of Adirondack.

This was as wild a spot for a manufacturing village as can well be imagined, — in the heart of the mountains, with a difficult communication to the southward, and none at all in any other direction, — a mere clearing in a forest that stretches into Canada. It stood on a rapid stream which flows from Lake Henderson into Lake Sandford, where it was hoped that the water-power and the vicinity of good ore would counter-balance the difficulties of transportation. The works, which were called the Adirondack Iron-Works, were begun and carried on with an enterprise and frugality that deserved better luck than, I understand, befell them at last. There were no attempts here at the taste or style the Boston capitalists had displayed at Westport. All things had the *nitor in adversum* look. The agent lived in a house where it was plain that one room served for parlor, kitchen, and nursery. He was a hard-worked, sore-pressed man. A chance to sleep on a floor in a house with ninety-six puddlers, with liberty to wash in the stream, was as fair a result as we had a right to expect in the one house into which strangers could be received. But then we had the consolation that our landlord was a justice of the peace, and wrote "esquire" after his name, and had actually married a couple, it was

hoped in due form, and was popularly supposed to be able to fill out a writ, if the rough habits of the people should ever call for so formal a process.

The three or four days we were here we gave to excursions up and down Lake Sandford, to Newcomb's farm, and Dan Gates's camp, and to the top of Tahâwus. A small company of woodsmen, professional hunters and trappers, took us under their charge — as good a set of honest, decent, kind-hearted, sensible men as one could expect to meet with, having, I thought, more propriety of talk and manners, more enlargement of mind and general knowledge, than the same number of common sailors taken equally at random would have shown. There was Dan Gates and Tone Snyder — I suppose an abbreviation of Anthony or Antoine — and John Cheney and Jack Wright, names redolent in memory of rifles and sable-traps, and hemlock camps and deer, and trout and hard walks and good talks. We rowed up Lake Sandford at dawn and back by moonlight, visiting the Newcomb farm, and drinking of the spring on the hill by the side of Lake Delia, to which opinion had attached marvellous restorative powers.

The scenery here is as different from that of the White Mountains as if these were in a different hemisphere. Here the mountains wave with woods, and are green with bushes to their summits; torrents break down into the valleys on all sides; lakes of various sizes and shapes glitter in the landscape, bordered by bending woods whose roots strike through the waters. There is none of that dreary, barren grandeur that marks the White Mountains, although Tahâwus, the highest, is about fifty-four hundred feet high — only some six hundred or seven hundred feet

less than Mount Washington. The Indian Pass frowns over one end of the lake, and Tahâwus and Mount McIntire tower on each side; and at nearly all points on the lake were the most voluble echoes, which the shouts of the boatmen awakened for us. The moon, the mountains, the lake, the dipping oars and the echoes made Lake Sandford a fascination in the remembrance.

We spent two days and nights in the ascent of Tahâwus and the return, camping out under hemlock boughs, cooking our trout and venison in the open air, and enjoying it all as I verily believe none can so thoroughly as they who escape from city life. Some sycophantic state surveyor had named this mountain Mount Marcy, after the then leader of the political party in power; but a company of travellers have chiselled the old Indian name into rocks at its summit, and called upon all who follow them to aid in its preservation. The woodsmen have taken it up, and I hope this king of the range may be saved from the incongruous nomenclature that has got possession of too large a part of this region. Sandford and McIntire and Marcy, the names of local politicians, like bits of last year's newspapers on the bob of a kite, tied to these majestic, solemn mountains, "rock-ribbed and ancient as the sun"! In the White Mountains I fear that too long a prescription has settled down over those names which have not unfairly subjected us to the charge of being without imagination or fancy, — going to our almanacs and looking up lists of presidents and members of Congress and stump-speakers, as our only resource, when put to it to find designations for the grandest objects in nature; while in their speechless agony the mountains

must endure the ignominy, and all mankind must suffer the discord between the emotions these scenes call up and the purely mundane and political associations that belong to the names of Jefferson and Adams, Clay and Monroe and Jackson.

I must pause a moment at Calamity Pond, for its story is too deep in my memory to be passed by. Not long before our visit, Mr. Henderson, one of the proprietors and managers of the iron-works, a popular man in all this region, went up to the pond, which lies on the way to the summit of Tahâwus, to make arrangements for turning a watercourse into the village. Sitting on a rock by the side of the pond, he laid down his pistol; the hammer struck a trifle too hard upon the rock, exploded the cap, and the ball went through his heart. He had just time to send a word of farewell to his wife and children, when it was all over. The sorrow-stricken company hastened to the village with the sad tidings, and then a party of the best woodsmen — for Henderson was beloved by them all — was organized and went to the fatal spot. They had made a rude bier and bore the body slowly down, cutting a path through the woods as they went, to a spot near the level, where they camped for the night, and where, the next day, nearly the whole village came out to meet them. The sheet of water has been called Calamity Pond, and the rock, Henderson's Rock. As we passed the site of the camp we saw the rude bier, — a vivid reminder of the sad event; and as we stood by the pond the story was told over with natural pathos, and — "What a place for a man to die in, and without a moment's warning!" said Dan Gates. "What a place to build a camp in!" said another. Dan and Tone admitted it, and said they

all seemed to lose their wits. This was before our civil war had made sudden deaths in all forms and in vast numbers so familiar.

The Opalescent, which comes down from Tahâwus, is a captivating mountain stream, with very irregular courses, often broken by cascades and rapids, tumbling into deep basins, running through steep gorges and from under overlying banks, always clear and sparkling and cool. The last mile of the ascent was then — doubtless the axe has been at work upon it since — a toilsome struggle through a dense growth of scrub cedars and spruces, and it is only the summit that is bare. With this and the summit of Mount Washington, now probably but three or four days apart, the traveller can get the two extreme opposites of North American mountain scenery; the view from Mount Washington being a wild sea of bald bare tops and sides, with but little wood or water, while that from Tahâwus is a limitless expanse of forest, with mountains green to their tops, and all the landscape dotted and lined with the wide mirrors of large lakes, glittering bits of small lakes, silver threads of streams, and ribbons of waterfalls.

As we lay on the boughs, with the fire sparkling before us, a good many stories were told, marvellous, funny or pathetic, which have long since floated off from their moorings in memory.

But it is time to take leave of our excellent friends, whose companionship I shall never forget, and move on towards the promised point of my journey.

We had sent back the guide, who had brought us through the Indian Pass; for Mr. Aikens was a good woodsman, and had no doubt he could take us

back. About the middle of the day we bade good-by to Dan and Tone and John, and took our last look at the straggling, struggling village, — in a few years, I believe, abandoned altogether, — and went through the Pass and crossed the first branch of the Au Sable, and ought to have crossed the second before five o'clock; but the sun was far declined, it was getting to be six o'clock and after, and yet no river! Aikens became silent; but it was soon too evident that he had lost the trail. We had been led off by a blazed line that went to sable-traps; and here we were, at nightfall, lost in a forest that stretched to Canada, and, for aught I know to the contrary, to the Polar Circle, with no food, no gun, blanket nor overcoats. Expecting to get through in six hours, we had taken nothing with us. We consulted, and determined to strike through the woods, steering by the sun — for we had no compass — in the direction in which we thought the river lay. Our course should be north; and we went on, keeping the setting sun a little forward of our left shoulders, — or, as a sailor would say, a little on the port bow, — and struggled over fallen timber and through underbrush, and climbed hills and tried to get a view of White Face, but to no purpose, and the darkness overtook us in low ground, by the side of a small stream. We were very hungry, very much fatigued, and not a little anxious; and the stories they had told us at the village of parties lost in the forest, — one especially, of three men who failed to come in and were searched for and found, after several days, little better than skeletons and almost crazed, — these recurred pretty vividly to our fancies. We drank at the stream, and Aikens, never at a loss, cut

a bit of red flannel from his shirt, and bent a pin and managed to catch one little trout in the twilight. He insisted on our taking it all. He said he had got us into the trouble by his over-confidence; but we resisted. It was, to be sure, a question of a square inch of trout more or less, for the fish was not more than four inches long by one inch thick; yet it was a point of honor with Mr. Aikens, so we yielded, and got one fair mouthful apiece. The place was low and damp, and there was a light frost, and we passed a miserable night, having no clothing but our shirts and trousers. The black-flies were very active, and our faces and arms and necks were blotched and pitted in the saddest fashion. It was with anxious eyes that we watched the dawn; for if the day was clear, we could travel by the sun until it got high, but if it was thick or foggy, we must stay still; for every one used to the woods knows that one may go round and round and make no progress, if he has no compass or point of sight. The day did break clear; and, as soon as there was light enough, Aikens groped about the skirts of the little opening, and made out signs that a path had once come into it. He thought the brush grew differently at one place from what it did elsewhere. Very well! We gave ourselves up to him, and began another day's struggle with fallen timber, hillsides, swamps, and undergrowth, on very faint stomachs, but with every show to each other of confidence and strength. In an hour or so plainer signs of a path rewarded Aikens's sagacity. I was glad for him especially; for he was a good deal annoyed at the trouble we were put to; and a better woodsman, for an amateur, or a more intelligent and generous fellow-traveller, we could not

have desired. At last came some welcome traces of domesticated animals, and then a trodden path, and about noon we came out upon the road.

We were out, and the danger was over. But where were we? We held a council, and agreed that we must have got far to the left, or westward, of our place of destination, and must turn off to the right. It was of some consequence, for houses on this road were four to seven miles apart. But the right was up hill, and a long steep hill it seemed. Mr. Metcalf plunged down hill, in contempt of his and our united grave conclusions, saying we did not *know*, and had better do what was easiest. And well it was we did, for a near turn in the road brought us in sight of a log-house and half-cleared farm, while, had we gone to the right, we should have found it seven miles to the nearest dwelling.

Three more worn, wearied, hungry, black-fly-bitten travellers seldom came to this humble, hospitable door. The people received us with cheerful sympathy, and, while we lay down on the grass, under the shadow of the house, where a *smutch* kept off the black-flies, prepared something for our comfort. The master of the house had gone down to the settlements, and was expected back before dark. His wife was rather an invalid, and we did not see much of her at first. There were a great many sons and daughters, — I never knew how many ; one a bonny, buxom young woman of some twenty summers, with fair skin and red hair, whose name was Ruth, and whose good humor, hearty kindness, good sense and helpfulness quite won our hearts. She would not let us eat much at a time, and cut us resolutely off from the quantities of milk and cool water we were dis-

posed to drink, and persuaded us to wait until something could be cooked for us, more safe and wholesome for faint stomachs; and we were just weak enough to be submissive subjects to this backwoods queen. A man came along in a wagon, and stopped to water his horses, and they asked him if he had seen anything of Mr. Brown below, — which it seemed was the name of the family. Yes; he had seen him. He would be along in an hour or so. "He has two negroes along with him," said the man, in a confidential, significant tone, "a man and a woman." Ruth smiled, as if she understood him. Mr. Aikens told us that the country about here belonged to Gerrit Smith; that negro families, mostly fugitive slaves, were largely settled upon it, trying to learn farming; and that this Mr. Brown was a strong abolitionist and a kind of king among them. This neighborhood was thought to be one of the termini of the Underground Railroad.

The farm was a mere recent clearing. The stumps of trees stood out, blackened by burning, and crops were growing among them, and there was a plenty of felled timber. The dwelling was a small log-house of one story in height, and the outbuildings were slight. The whole had the air of a recent enterprise, on a moderate scale, although there were a good many neat cattle and horses. The position was a grand one for a lover of mountain effects; but how good for farming I could not tell. Old White Face, the only exception to the uniform green and brown and black hues of the Adirondack hills, stood plain in view, rising at the head of Lake Placid, its white or pale gray side caused, we were told, by a land-slide. All about were the distant highest summits of the Adirondacks.

Late in the afternoon a long buckboard wagon came in sight, and on it were seated a negro man and woman, with bundles; while a tall, gaunt, dark-complexioned man walked before, having his theodolite and other surveyor's instruments with him, while a youth followed by the side of the wagon. The team turned in to the sheds, and the man entered the house. This was "father." The sons came out and put up the cattle, and soon we were asked in to the meal. Mr. Brown came forward and received us with kindness; a grave, serious man he seemed, with a marked countenance and a natural dignity of manner, — that dignity which is unconscious, and comes from a superior habit of mind.

We were all ranged at a long table, some dozen of us more or less; and these two negroes and one other had their places with us. Mr. Brown said a solemn grace. I observed that he called the negroes by their surnames, with the prefixes of Mr. and Mrs. The man was "Mr. Jefferson," and the woman "Mrs. Wait." He introduced us to them in due form, "Mr. Dana, Mr. Jefferson," "Mr. Metcalf, Mrs. Wait." It was plain they had not been so treated or spoken to often before, perhaps never until that day, for they had all the awkwardness of field hands on a plantation; and what to do, on the introduction, was quite beyond their experience. There was an unrestricted supply of Ruth's best bread, butter and corn-cakes, and we had some meat and tea, and a plenty of the best of milk.

We had some talk with Mr. Brown, who interested us very much. He told us he came here from the western part of Massachusetts. As some persons may distrust recollections, after very striking inter-

vening events, I ask pardon for taking an extract from a journal I was in the habit of keeping at those times: —

"The place belonged to a man named Brown, originally from Berkshire in Massachusetts, a thin, sinewy, hard-favored, clear-headed, honest-minded man, who had spent all his days as a frontier farmer. On conversing with him, we found him well informed on most subjects, especially in the natural sciences. He had books, and had evidently made a diligent use of them. Having acquired some property, he was able to keep a good farm, and had confessedly the best cattle and best farming utensils for miles round. His wife looked superior to the poor place they lived in, which was a cabin, with only four rooms. She appeared to be out of health. He seemed to have an unlimited family of children, from a cheerful, nice, healthy woman of twenty or so, and a full-sized, red-haired son, who seemed to be foreman of the farm, through every grade of boy and girl, to a couple that could hardly speak plain."

How all these, and we three and Mr. Jefferson and Mrs. Wait, were to be lodged here was a problem; but Aikens said he had seen as much done here before. However, we were not obliged to test the expanding capacities of the house; for a man was going down to Osgood's by whom we sent a message, and in an hour or two the smiling face of Tommy appeared behind his mules, and we took leave of our kind entertainers.

In these regions it is the custom for farmers to receive travellers; and while they do not take out licenses as inn-holders, or receive strictly pay for what they furnish, they always accept something in the

way of remuneration from the traveller. When we attempted to leave something with Ruth, which was intended to express our gratitude and good-will, we found her inflexible. She would receive the bare cost of what we had taken, if we wished it, but nothing for attentions, or house-room, or as a gratuity. We had some five-dollar bills and some bills of one dollar each. She took one of the one-dollar bills and went up into the garret, and returned with some change! It was too piteous. We could not help smiling, and told her we should feel guilty of highway robbery if we took her silver. She consented to keep the one dollar for three of us, — one meal apiece and some extra cooking in the morning, — as we seemed to think that was right. It was plain this family acted on a principle in the smallest matters. They knew pretty well the cost price of the food they gave; and if the traveller preferred to pay, they would receive that, but nothing more. There was no shamefacedness about the money transaction either. It was business or nothing; and if we preferred to make it business, it was to be upon a rule.

After a day spent on Lake Placid, and in ascending White Face, we returned to Osgood's, and the next day we took the road in our wagon on our return to Westport. We could not pass the Browns' house without stopping. I find this entry in my journal: —

"June 29, Friday. After breakfast, started for home. . . . We stopped at the Browns' cabin on our way, and took an affectionate leave of the family that had shown us so much kindness. We found them at breakfast, in the patriarchal style. Mr. and Mrs. Brown and their large family of children with

the hired men and women, including three negroes, all at the table together. Their meal was neat, substantial and wholesome."

How mysterious is the touch of Fate which gives a man immortality on earth! It would have been past belief had we been told that this quiet frontier farmer, already at or beyond middle life, with no noticeable past, would, within ten years, be the central figure of a great tragic scene, gazed upon with wonder, pity, admiration or execration by half a continent! That this man should be thought to have imperilled the slave empire in America, and added a new danger to the stability of the Union! That his almost undistinguishable name of John Brown should be whispered among four millions of slaves, and sung wherever the English tongue is spoken, and incorporated into an anthem to whose solemn cadences men should march to battle by the tens of thousands! That he should have done something toward changing the face of civilization itself!

In 1859–60 my inveterate habit of overworking gave me, as you know, a vacation and the advantage of a voyage round the world. Somewhere at the antipodes I picked up, from time to time, in a disjointed way, out of all chronological order, reports of the expedition of one John Brown into Virginia, his execution, and the political excitement attending it; but I learned little of much value. That was the time when slavery ruled all. There was scarce an American consul or political agent in any quarter of the globe, or on any island of the seas, who was not a supporter of the slave-power. I saw a large portion of these national representatives in my circumnavigation of the globe, and it was impossible to find

at any office over which the American flag waved a newspaper that was not in the interests of slavery. No copy of the New York "Tribune" or "Evening Post" was tolerated under an American official roof. Each embassy and consulate, the world over, was a centre of influences for slavery and against freedom. We ought to take this into account when we blame foreign nations for not accepting at once the United States as an anti-slavery power, bent on the destruction of slavery, as soon as our civil war broke out. For twenty years foreign merchants, shipmasters or travellers had seen in American officials only trained and devoted supporters of the slave-power, and the only evidences of public opinion at home to be found at those official seats, so much resorted to and credited, were all of the same character. I returned home at the height of the Lincoln campaign of 1860, on which followed secession and war; and it was not until after the war, when reading back into its history, that I met with those unsurpassed narratives, by Mr. Wentworth Higginson and Mr. Wendell Phillips, of their visits to the home of John Brown, about the time of his execution, full of solemn touches, and marked by that restraint which good taste and right feeling accept in the presence of a great subject, itself so expressive of awe. Reading on, it went through me with a thrill, — This is the man under whose roof I received shelter and kindness! These were the mother and daughters and sons who have suffered or shed their blood! This was the family whose artless heroism, whose plain fidelity and fortitude, seem to have cast chivalry and romance into the shade!

It is no uncommon thing to visit spots long hal-

lowed by great events or renowned persons. The course of emotions in such cases is almost stereotyped. But this retroactive effect is something strange and anomalous. It is one thing to go through a pass of fear, watching your steps as you go, conscious of all its grandeur and peril, but quite another sensation when a glare of light, thrown backwards, shows you a fearful passage through which you have just gone with careless steps and unheeding eyes. It seems as if those few days of ours in the Adirondacks, in 1849, had been passed under a spell which held my senses from knowing what we saw. All is now become a region of peculiar sacredness. That plain, bare farm, amid the blackened stumps, the attempts at scientific agriculture under such disadvantages, the simple dwelling, the surveyor's tools, the setting of the little scene amid grand, awful mountain ranges, the negro colony and inmates, the family bred to duty and principle, and held to them by a power recognized as being from above, — all these now come back on my memory with a character nowise changed, indeed, in substance, but, as it were, illuminated. The widow bearing homeward the body from the Virginia scaffold, with the small company of stranger friends, crossed the lake, as we had done, to Westport; and thence, along that mountain road, but in mid-winter, to Elizabethtown; and thence, the next day, to the door of that dwelling. The scene is often visited now by sympathy or curiosity, no doubt, and master pens have made it one of the most marked in our recent history.

In this narrative I have endeavored, my dear friend, to guard against the influence of intervening events, and to give all things I saw in the natural, transient

way in which they struck me at the time. That is its only value. It is now owing to subsequent events that John Brown and his family are so impressed on my mind. The impression was made at the time. The short extract from a journal which set down but little, and nothing that was not of a marked character, will, I trust, satisfy the most incredulous that I am not beating up memory for impressions. I have tried to recollect something more of John Brown's conversation, but in vain, nor can either of my companions help me in that. We cannot recollect that slavery was talked of at all. It seems strange it should not have been, as we were Free Soilers, and I had been to the Buffalo Convention the year before; but perhaps the presence of the negroes may have restrained us, as we did not see the master of the house alone. I notice that my journal speaks of him as "originally from Berkshire, Massachusetts." In examining his biography I think this must have been from his telling us that he had come from the western part of Massachusetts, when he found that we were Massachusetts men. I see no proof of his having lived in any other part of Massachusetts than Springfield. My journal speaks of the house as a "log-cabin." I observe that Mr. Higginson and some of the biographers describe it as a frame building. Mr. Brown had been but a few months on the place when we were there, and he may have put up a frame house afterwards; or it is quite as likely that I was not careful to note the difference, and got that impression from its small size and plain surroundings.

Nearly all that the writers in December, 1859, have described lies clear in my memory. There can have been little change there in ten years. Ruth had be-

come the wife of Henry Thompson, whose brother was killed at Harper's Ferry; and the son I speak of as apparently the foreman of the farm was probably Owen, who was with his father at Ossawatomie and Harper's Ferry, and escaped. Frederick, who was killed at Ossawatomie, in 1856, was probably the lad whom we saw coming home with his father, bringing the negroes on the wagon. Among the small boys, playing and working about the house, were Watson and Oliver, who were killed at Harper's Ferry. I do not recollect seeing — perhaps it was not there then — the gravestone of his grandfather of the Revolutionary Army, which John Brown is said to have taken from Connecticut and placed against the side of the house; nor can I recall the great rock, near the door, by the side of which lies his body,

> "mouldering in the ground,
> While his soul is marching on."

What judgment soever political loyalty, social ethics or military strategy may pronounce upon his expedition into Virginia, old John Brown has a grasp on the moral world.

CHAPTER IX.

FREE SOIL POLITICS.

The extracts from the diary contained in this chapter relate chiefly to political events in Massachusetts during the years 1849 and 1850. General Taylor died July 9, 1850, and was succeeded in the presidency by Millard Fillmore; Mr. Webster, who a few months before had made his famous 7th of March speech, became Secretary of State, and Robert C. Winthrop was appointed by Governor George N. Briggs, the Legislature not being in session, to the seat thus made vacant in the Senate of the United States. So far as slavery was concerned, the whole course of events was reactionary; the cry was for the preservation of the Union and the Constitution, and in obedience to this cry Congress during the summer and autumn passed, under the lead of Henry Clay, that series of laws known as the compromise measures of 1850. Among these measures was the Fugitive Slave act.

Little realizing what the following decennium had in store for it, the country at this time was thoroughly weary of the slavery question. It wanted to hear nothing more of it. Accordingly in Massachusetts as well as in most other parts of the North the compromise measures were very generally accepted as a settlement upon the whole satisfactory, and the anti-slavery men were looked upon more and more as agitators, wicked and wanton. In New York, the Free Soil party hardly outlived the election in which it brought about the defeat of Cass, for in 1849 the Barnburners, still under the lead of John Van Buren, formally returned into the Democratic fold. The new organization showed more vital-

ity in Massachusetts, but even there it fell away from 38,000 votes in 1848, to 27,800 in 1850. Though the third party in strength, under the majority rule then in force the Free Soilers, as between the Whigs and Democrats, held the balance of power; for, though the Whigs regularly polled a large plurality of the votes cast at every annual election, the Democrats and Free Soilers together always outnumbered them, and, after thus defeating a choice at the polls, could by acting in concert secure a majority in the Legislature, upon which the election of all state officers then devolved.

The Free Soilers were the advance guard of the coming Republican party and they were men of principle; but even for men of principle it is hard to be counted year after year in a small minority. The average man does not like to go on forever throwing his vote for candidates who he knows cannot be elected. If the party, the members of which are called on to do this, does not gravitate towards one or the other of the larger organizations, the individuals who compose it almost assuredly will.

Accordingly two counsels soon began to be heard in the Free Soil ranks; one set of leaders wanted the party to hold itself high, and to keep clear of all Democratic contamination; the other set wanted it to preserve its organization, but to coöperate with the Democrats in order to defeat the Whigs and get some share of the fruits of victory. The old "Conscience Whigs" like Charles Allen, Stephen C. Phillips, John G. Palfrey and C. F. Adams contended for the former course; while Henry Wilson, with the understood support of Charles Sumner, was the recognized exponent of the coalition policy. Wilson, though at first defeated, finally carried the day, and his victory resulted in the election of Sumner to the Senate in the spring of 1853, — the United States senatorship having been traded off to the Free Soilers in exchange for the state offices, which the Legislature filled by the choice of the nominees of the Democratic party. George S. Boutwell was made governor.

It is unnecessary to say that political management and office mongering of this sort had small attraction for Dana. His sympathies were wholly with the better elements of the party, as he undoubtedly would have called those who opposed entangling alliances. Whether he and his friends were right or wrong in the matter was, as we now see, of little consequence. It was but a phase, and a passing one, in the great process of political disintegration and reintegration then going on, and which was not to result in anything definite for six years yet. Meanwhile the Free Soil party was to pass absolutely away; not slowly absorbed, as Dana and his friends apprehended, in the Democracy, but suddenly engulfed in that "Know-Nothing" frenzy which four years later was destined to sweep the State, making clear the way for the Republican organization of 1856.

Plymouth, July 22. *Sunday.* At church in the morning. In the afternoon, to please Mrs. Hodge, went to the Unitarian meeting, and heard Rev. Mr. Briggs. A fervid and rather well-written essay, founded entirely on natural religion, and, excepting a few words, with nothing that would have surprised Seneca or Cicero to hear. No Scripture was read, two vapid hymns sung, and something in the nature of a prayer, but entirely divested of the Scriptural phraseology which used to dignify the Congregational prayers, and some high-sounding terms of transcendentalism put in their place, and the whole rather addressed to the audience than elsewhere. There is certainly a great change in the style and phraseology of Unitarian religious exercises, greater than the people are aware of, for it is gradual and unnoticed from day to day.

August 11. Took saddle-horse and rode down to Quincy, to take tea with Mr. Quincy. Found him

at home, and the old gentleman, at eighty-three, took me round his farm, showed me his forty head of cattle in his barn, his twelve acres of carrots, and his two hundred tons of hay. He has an excellent farm, and is a thoroughly practical farmer. It is a great solace to his declining years. The estate has been in the family two hundred and ten years, having been purchased of the Indians by a direct ancestor, and from him descended from father to son to the present time.

At tea, Mr. Quincy told me anecdotes of his early life, and particularly of John Randolph, about whom we happened to speak. He told me that he was particularly intimate with Randolph, there being quite a friendship between them. But Randolph hated New England. Mr. Quincy invited him to make him a visit. "Mr. Quincy," said he, stretching out his finger, "so help me God, I never mean to cross the Hudson River. But if, by any unfortunate accident, I happen to be in New England, your house is the only house I shall enter."

September 8. *Saturday.* Rode on horseback, beautiful afternoon, to Mr. Adams' at Quincy. He occupies the old house in which his father and grandfather lived before him, — a venerable old low-roofed, big-timbered house, full of historical associations. In his study, where he is writing the life of his grandfather, that grandfather and the great men of the Revolutionary period, and his father and the chief men of the next two generations, have lived, written, and talked. Here my grandfather and great-grandfather (Ellery) used to spend many days of every summer, during the exciting period of Adams' administration.

Mr. Adams talked very sensibly about Jefferson's

character, and is satisfied that Jefferson was false to his grandfather and a false man generally where his own interests were concerned. In the present politics of our own state Mr. Adams is averse to making terms with either party, and has not that confidence that the "instincts of the Democracy" are on our side which Sumner has — neither has Palfrey. They both see that our cause addresses itself to a sense of justice and national honor, rather than to the instincts of personal freedom which would insure the support of the loco-foco part of the Democratic party.

September 16. *Sunday evening.* I took tea to-night with President Woods at Dr. Salter's and stayed until nine o'clock, when I walked over the bridge with father, who came in to church, and it is now so late, with my new habits of early to bed and early up, that I must finish on this page. The President was very agreeable, and talked well on (1) the style of the French philosophizing historians and politicians of the present day; (2) the popular belief in the immortality of the soul as assumed in, and as the essence of, the popular theology of Greece, Rome and the East, and only doubted by some of the philosophers, and in the Jewish institutions and popular belief, and only doubted by the Sadducees; (3) on the Congregational theory as to ordination and practice as distinguished from the Presbyterian; on all of which topics he talked clearly and without being in extremes; also on the state's sustaining intellectual without religious education.

Shortly after writing the above to his wife, Dana had occasion to visit New York, and the following diary entry refers to what he there did and those whom he saw.

New York, September 26. *Wednesday.* Spent first few hours down town. Called on Daniel Lord, who received me most cordially, on Evarts who was out, Wm. Russell, ditto. Called on Bigelow at the office of the "Evening Post," who tried to explain the recent union of the Barnburners and Hunkers to my satisfaction, but without success. There are two reasons for it, — one, that no party can be sustained in New York without a fair prospect of immediate success, for one year; and the other, that the Democratic party is the ruling notion with them, and slavery is subordinate. Called on Mr. Ripley, whom I found in the fourth story of a huge, dirty building, attained by winding, narrow, dirty stairs, amid the whizzing and clanking of steam machinery, sitting in his shirt sleeves, paragraphing and clipping for the "Tribune." Nowhere is the contrast between circumstances and influence greater than in the office of an editor in New York. Wielding an influence which hardly has its superior in the republic, the editors of the leading journals still write in their little closets, in fourth stories, on pine tables, amid noise, dirt and confusion.

Returning immediately to Boston, the two next extracts are from letters to Mrs. Dana, while those which follow, and complete the narrative, are from the diary.

October 1. Saturday I went to the shore and spent Sunday with the Ticknors. It was delightful. The house and grounds look so much better, the bank is grown over, the hills and bank covered with asters, golden-rod, bright red vines, barberries, and the woods alive with the maple leaves! And the charming damp air of the ocean poured round all.

I took several walks alone, and one down the avenue with the family. Sunday afternoon Mr. and Mrs. Dexter, with Mr. and Mrs. Crawford (the sculptor), drove up and spent an hour. Mrs. Crawford is a perfectly fascinating woman. I don't know a woman anywhere (except one) who can compare with her.

October 7. *Sunday.* I am writing you for almost the first time this season from my secretary in my own room. This gloomy day after going to church (and communion) in the morning, I came home and made a fire in my own chamber to spend the afternoon. After going out to dine, walking round the Common, among the fallen leaves and broken branches, with a northeast wind and rain too heavy for an umbrella to live, I have come back and read two cantos of Fairy Queen, and am writing to my dear wife, my Florimel and Britomart.

Thursday I am to dine with Mr. Palfrey to meet C. F. Adams and Sumner. I presume it is to be a council of war on the present state of the Free Soil party. If any one asks you what I think of the conduct of the Barnburners, you may say that I think they have been guilty of desertion of their principles and bad faith to their allies.

11. Dined at Dr. Palfrey's with Sumner, Dr. S. G. Howe, Dr. Estes Howe. Discussed the propriety of a joint ticket with Democrats. Dr. Palfrey and I opposed it. Sumner and Dr. E. Howe favored it, Dr. S. G. Howe doubtful. I was more earnest than any of them, and told them it would take the virtue out of our party. They said it would elect Dr. Palfrey; I thought not. I told them his strength was not that of organization, but arose from his commending him-

self to the moral sense of the people, which this union would impair. Dr. Palfrey was opposed to it, but said he should not interfere, but would be neither a motive nor an obstacle to the plan.

November 8. Refused to take part in the Faneuil Hall caucus if John Van Buren spoke, not from any personal objection, but because it was favoring the Democratic party. If they would invite a Free Soil Whig from New York as well as a Free Soil Democrat I would agree to it. I thought it was important to preserve entire neutrality — seeing a strong disposition to democratize our party.

9. John Van Buren called to be introduced. Spent an hour or more at my office. He was very agreeable. A fine example of gentleman of the rowdy school, a Newmarket noble. There is something quite taking about him. He did not succeed in satisfying me as to the New York coalition, nor did Mr. Bigelow, who called to see me with Sumner and talked Rousseau democracy.

1850. *February* 27. This day the Free Soil Convention was held at Faneuil Hall, to sustain the Wilmot Proviso. At a previous meeting it had been agreed that I should write the report and resolutions. It was my idea that they should be addressed directly to the members of Congress themselves, and this suggestion was adopted by the committee. I read my report to a committee consisting of C. F. Adams, Dr. Palfrey, Sumner, Hopkins, Wm. Jackson and others. On the morning of this day I read it to Samuel Hoar and S. C. Phillips. All these gentlemen expressed themselves highly gratified and very few changes were made, those immaterial. It was well received by the convention.

The convention was highly respectable both in numbers and character, and deep feeling seemed to pervade it. The report of its doings is in the "Republican" of this week.

March 12. Stephen C. Phillips called at my office and at my request related to me the history of Mr. Webster's course as to the admission of Texas. He told the story calmly and deliberately.

He had been in Washington and knew the course of measures planned by the Tyler Administration to secure the annexation of Texas. He came home much troubled and alarmed. He knew the greater part of the northern Democracy would sustain the measure, and that the only hope was from the Whigs. Judge Allen happened to be in Salem, and Mr. Phillips sent for him, and the whole matter was talked over. They agreed that a movement must be made in time, and first of all that Webster should be seen. Webster had left Tyler's Cabinet and was out of office, and rather out of favor with the Whig leaders in the State for having stayed so long by Tyler, but without doubt supported by the people. Mr. Phillips had been his warm and somewhat confidential friend. He called upon him at his lodgings at the Tremont House and laid the matter before him. He found Webster fully and deeply interested. Webster expressed his great gratification to find the movement begun, and advised that a convention be called at Faneuil Hall, and an address prepared to the people, as the first step toward rousing the North. Mr. Phillips reminded him that it was an important movement, on which the political fate of themselves and the party might hang, and that they must be assured of his support. Mr. Phillips says he never

shall forget Webster's reply: "If there is any influence in the name of Daniel Webster, as some persons have said there is, you shall have it all. By this head and this heart (suiting the action to the word), if there is any strength in this old arm, it is all devoted to your cause!"

Mr. Phillips then wrote the call for the convention, which Mr. Webster revised and gave his approval to, and it was taken round for signatures. Then they found that a certain number of leading Whigs, represented by Abbott Lawrence and Nathan Appleton, since called the "Cotton Whigs," were indifferent to the subject and averse to any action. Their general motives were well known or shrewdly suspected; with some of them there was an additional special motive, of unwillingness to coöperate with Webster in a movement that might redound to his credit. Mr. Phillips says that Mr. Lawrence, on giving his final refusal, said, "No, sir. We will not help Daniel Webster to right himself by this Texas movement." At the same time, Mr. Webster's New York friends hearing of this movement became alarmed and wrote to Webster, begging him not to commit himself and the Whig party of New England to it; that it would alienate the South and seal the alliance between the South and the northern Democracy; that the leading Whigs of Boston would not stand by him, and that there was not sufficient anti-Texas feeling in the North to be the basis of his political action.

These letters and the coldness of the Cotton Whigs evidently deterred Mr. Webster, and when he was called upon to sign the call for the convention, he held back. Judge [Charles] Allen, with his char-

acteristic intrepidity, put Webster's name to it, and told him it should be published, and he might take it back, if he dared. It was thus only that Webster's name appeared.

As the time drew nigh for the convention, they found Mr. Webster more and more reserved and backward. It was only by absolutely dogging and dunning him that they got him at work upon the address, on Monday, two days before the convention. The address was written in Webster's office, he dictating and Mr. Phillips and Judge Allen writing. He divided the objections into heads, and took them up separately, leaving slavery to the last. When he came to this head he paused and became very solemn, and told them frankly he did not know what to do. He stated the position of this question, the state of parties, the division among the Whigs, etc., and went no farther. Here he broke down. All they could get from him was a promise to consider it and to meet them Tuesday afternoon. On Tuesday afternoon they received a note from him saying that a case in which he was engaged obliged him to be in New York the next day, that he left that afternoon, that the business was in excellent hands, which could manage far better than he could, wished them God speed, etc.

This was the last they heard from him on this subject. Mr. Phillips says he has met him often since, that Webster has been very cordial and pleasant, but that the subject of Texas never has been alluded to between them. Disheartened and vexed, these men, on the night before the convention, had to finish the address and carry off the dead weight of the deserted convention, and fill up the chasm left by his absence.

Now he claims the credit, in his speech of March 7, of having endeavored to rouse the people, and lays all the blame on "certain leading Whigs of Boston." And though he has had the grace not to say anything against the "Conscience Whigs," yet he has never had the magnanimity to acknowledge or give one word of commendation to the fidelity and boldness of those men whom he promised to sustain, and who went nobly but unsuccessfully on with the work.

September 1. A meeting of the leading members of the Free Soil party was held at the Adams House to consider the expediency of uniting with the Democrats in the state elections. There is little doubt the ultimate plan is a complete union. The measure was advocated by Governor Morton, General Wilson, Earle and Colonel [De Witt] from Worcester, and by William Jackson, Alley and Dr. Swan of the Liberty party. It was opposed by Mr. Hoar (senior), Dr. Palfrey, Adams, Phillips and myself, and was lost without a count. I told them that whether adopted or not I would not do it.

1851. *January* 20. *Monday.* Left at 2.30 P. M. for New York.

21. *Tuesday.* Called on Evarts who invited me to dine at Delmonico's next day at three o'clock. Discussed the Fugitive Slave Bill rather warmly. He defends the act and the compromise on which it is founded, and Webster's course, and thinks Webster is to be the next president, in each particular of which I disagreed with him.

22. *Wednesday.* After breakfast walked down town. Called on C. W. Spaulding, a witness in Ford *v.* King, twice, but he was out; on Judge Kent,

who received me with attention, we holding a long converse on Sumner and Boston politics and social life. He is an out and out Whig Hunker, but had to endure a good deal of Free Soil from me. He admitted the attempt of Mr. Ticknor, the Eliots and others to ostracize Sumner, and thought it unwise and unfair. Called on Henry Nicoll, who talked politics, Democratic, and railed at the corruptions in the United States offices, in the way of fees and extortions, and the circumventing of statutes. At "Tribune" office I found Mr. Ripley, Greeley, C. A. Dana and Bayard Taylor, all at work at their separate tables. This is the great enginery of the nineteenth century, steam-engines in every part of the huge building, and four editors at humble tables with pen and scissors in hand, preparing for 100,000 readers and more; with telegraphic dispatches every hour from all parts of the Union. Was introduced to Greeley. Think him coarse and cunning.

CHAPTER X.

THE FUGITIVE SLAVE CASES OF 1851.

The Fugitive Slave Law, passed in the summer of 1850, was now in full operation. No seizure under its provisions had been attempted in Massachusetts, though numbers of such seizures had been made elsewhere and many colored people returned into slavery. There was and always had been a considerable negro population in Boston, living together on the north side of Beacon Hill, and among them it was well known were many escaped slaves. Before the passage of the Act of 1850 these people had considered themselves absolutely safe, and so indeed they were; but after the passage of the act they were so no longer. It was true there was no probability that any considerable number of fugitives would ever be seized in Boston, for Massachusetts was not a border-state, and the feeling there among a large portion of the people was so intense that the capture of a runaway negro implied the possession of very considerable nerve on the part of the captor, and, from a money point of view, could hardly be expected to prove remunerative.

On the other hand, it was well understood that it had become a matter of pride in the South to have a slave seized in Boston and taken back from Massachusetts. Boston was the home of Garrison, and Massachusetts was the hot-bed of abolitionism. A great deal had been heard of the love for the Union and the devotion to the constitution which existed there, but these protestations had not been put to the test; it was high time to put them to the test and see what they amounted to. It was notorious that public meetings had been held in Boston, and even in Faneuil Hall, at which pas-

sionate resolves had been passed declaring that, "law or no law, not a slave should be taken back from Massachusetts." It remained to be seen whether the solemn act of Congress or the resolve of the political gathering was law in the State.

Accordingly all through the autumn and early winter of 1850–51 there was a vague general impression abroad that an attempt at seizure would be made, and great uneasiness pervaded the negro community on Beacon Hill. As day after day passed and nothing occurred, this sense of apprehension in some degree subsided, and fugitives who had sought shelter in Canada ventured to return. But the popular impression was right. The law was to be vindicated; a fugitive was to be taken back to slavery from Massachusetts soil.

The following record of his part in the first of these historic episodes was made by Dana at the time, and, telling its own story, stands in need of no explanatory introduction. It relates to the arrest and rescue of Shadrach *alias* Frederick Jenkins. Dana's office at that time was at 30 Court Street, and directly opposite the court-house, the side entrance to which his windows overlooked.

February 15. *Saturday.* While in my office at about 10.30 A. M., Charles Davis, Parker, and others came in and told me that the marshal had a fugitive slave in custody, in the United States court room before Mr. George T. Curtis as commissioner. I went immediately over to the court-house. Mr. Curtis was on the bench, actually occupying the judge's seat; Pat. Riley, the deputy marshal, with his two regular deputies and two constables, sworn in as special deputies, were in charge of the room; a good-looking black fellow, sitting between the two subs, was the arrested fugitive. The arrest had been so sudden and unexpected that few knew it, and it was

half an hour before the crowd assembled, but it was increasing every minute, and there was great excitement. I went to the marshal's office and prepared a writ of *de homine replegiando* and a petition for a *habeas corpus* addressed to Chief Justice Shaw. Robert Morris obtained verbal authority from the prisoner to make the petition, in presence of Ellis G. Loring, and signed and swore to the petition before me. The petition stated that one Frederick Jenkins, of Boston, laborer, was imprisoned in the court-house by Patrick Riley, that the pretence was that he was a fugitive from service and labor, and that the petitioner did not know whether there was a warrant or not. With this petition I called on the Chief Justice, and stated to him that it was a case of an alleged fugitive slave, and that our object was to test the constitutional power of the commissioner to issue a warrant. The Chief Justice read the petition, and said in a most ungracious manner, "This won't do. I can't do anything on this," and laid it upon the table, and turned away to engage in something else. (This interview was in the lobby of the supreme court room.) I asked him to be so good as to tell me what the defects were, saying that I had taken pains to conform to the statute. He seemed unwilling to notice it, and desirous of getting rid of it; in short, he attempted to bluff me off. On my persisting he stated, as an objection, that it was not signed by the man himself. I reminded him that the statute permitted the petition to be made by the party imprisoned, "or by some one in his behalf." (He must also have known that in the worst cases, where the writ is most needed, a prisoner cannot sign the petition himself. Sometimes even the place

of his imprisonment is unknown.) He replied, "There is no evidence that it is in his behalf. There is no evidence of his authority." I asked, "Do you require proof of authority? What proof do you require, sir?" He replied, "It is enough for me to say that the petition is not sufficient." He then added, "The petition shows on its face that the writ cannot issue. It shows that the man is in legal custody of a United States marshal." I replied that the petition did not refer to any officer, but only gave Mr. Riley's name, and that the fact of legal custody must appear on the return. To this he replied, "But Mr. Riley is known to be an officer; and besides, the petitioner cannot properly swear that he does not know on what pretence the man is held." I called his honor's attention to the petition, and showed him that the petition stated the pretence fully and truly. He read the petition over again, and finding this to be so, he fell back on his first objection, want of evidence of authority from the prisoner, and added (which was his last objection, and not made until after he had positively refused to issue the writ), that the petition should contain a copy of the warrant, or state that a copy had been applied for and could not be had; this, too, although the petition stated that the petitioner did not know whether the imprisonment was under a warrant or not, which was true, as arrests may be made under the Act of 1850 without a warrant. I felt that all these objections were frivolous and invalid, but seeing the temper which the Chief Justice was in, and his evident determination to get rid of the petition, I left him for the purpose of either procuring the evidence he required, or of going before another judge.

On reaching the court-room, I found that the commissioner was just adjourning the court to Tuesday, at ten A. M. As this gave us an abundance of time, we determined to consult upon the matter in the afternoon, and no further proceedings were had on the subject of the *habeas corpus.*

The prisoner remained in his seat, between two constables, and Pat. Riley was making the most absurd exhibition of pomposity in ordering people about, and clearing the court-room, and Mr. Curtis, dressed in a little brief authority, was swelling into the dignity of an arbiter of life and death, with a pomposity as ludicrous as that of Riley. At the order of the marshal all left the court-room quietly, except the officers and counsel, and when I left there were none else in the room, and the crowd in the entries and stairways and outside, though large and chiefly negroes, was perfectly peaceable.

I returned to my office and was planning with a friend the probable next proceedings, when we heard a shout from the court-house, continued into a yell of triumph, and in an instant after down the steps came two huge negroes bearing the prisoner between them with his clothes half torn off, and so stupefied by the sudden rescue and the violence of his dragging off that he sat almost dumb, and I thought had fainted; but the men seized him, and being powerful fellows hurried him through the square into Court Street, where he found the use of his feet, and they went off toward Cambridge, like a black squall, the crowd driving along with them and cheering as they went. It was all done in an instant, too quick to be believed, and so successful was it that not only was no negro arrested, but no attempt was made at pursuit.

The sympathy of the masses was with the successful rescue, though here and there was an old hunker, or a young dandy, or would-be-chivalry-man, who expressed anger at the failure of the "Peace Measures."

It seems that none of the officers were injured, except by being crowded into corners and held fast, and the sword of justice which Mr. Riley had displayed on his desk was carried off by an old negro.

How can any right-minded man do else than rejoice at the rescue of a man from the hopeless, endless slavery to which a recovered fugitive is always doomed. If the law were constitutional, which I firmly believe it is not, it would be the duty of a citizen not to resist it by force, unless he was prepared for revolution and civil war; but we rejoice in the escape of a victim of an unjust law, as we would in the escape of an ill-treated captive deer or bird.

The conduct of the Chief Justice, his evident disinclination to act, the frivolous nature of his objections, and his insulting manner to me, have troubled me more than any other manifestation. It shows how deeply seated, so as to affect, unconsciously I doubt not, good men like him, is this selfish hunkerism of the property interest on the slave question.

Sumner thought he had better not appear as counsel in the case and did not go in. His reason, which he gave me frankly, was, the effect it might have on the pending senatorial election.[1] He thought the conventions of parties and the delicate state of affairs at the State House required him to withhold any public action. This is the reason (though I did not see it at the time) why he declined going to New York to argue the case of Henry Long.

[1] That in which Mr. Sumner was first chosen to the United States Senate. See p. 195.

February 23. Judge Metcalf was present at my interview with Judge Shaw, and expressed himself very much disturbed by the conduct of the chief. He seldom speaks, but in this case he spoke freely.

March 23. *Sunday.* The last week Sumner and I have been drawing up laws to meet the dangers and outrages of the Fugitive Slave Bill, at the request of the committee of the legislature. We propose an act the first section of which extends the Latimer Law (1843) to the Fugitive Slave Bill of 1850. The two next sections are my invention. They prohibit, under a penalty, any officer or member of the volunteer militia of Massachusetts from acting, in that capacity, under the direction of the United States marshal, under the Act of 1850, under color or pretence of being part of the *posse comitatus;* and to disband all companies of the volunteer militia who shall so act in their organized capacity. I cannot doubt the constitutionality of these provisions. We are not obliged to furnish our organizations, arms and equipments, our discipline, our paid soldiers, to the marshal to enforce the slave law. As individuals, they are members of the *posse comitatus*, but not as officers and privates of volunteer associations. And if constitutional, our duty to prohibit it is clear.

The next section, prohibiting the claimant of a slave from having counsel, is Sumner's. I advised against it, as ungracious, as small legislation. It has an odious look and will answer little purpose. The last two sections require the district attorneys to defend all inhabitants claimed as fugitive slaves. These will have little practical effect. If left to me, I should report only the first three.

Another bill we also recommend, the credit of

which belongs to George Minot. It treats every person as a criminal who removes or endeavors to remove, or aids or abets in an attempt to remove from the state, as a fugitive slave, any person who is not a fugitive slave, and makes a legal presumption that the party claimed is free. This looked to us both as a well-devised statute.

The following extracts from the diary relate to the famous Sims case, which, as will presently be seen, led to the election of Charles Sumner to the United States Senate. As a record these extracts are complete in themselves.

April 7. The last week our city has been the scene of a degrading fugitive slave case. A man was arrested by the marshal and his posse, suddenly, at a hotel in which he was a waiter, and locked up in the court-house, which was guarded by a huge force of policemen and a chain stretched entirely around it, so that every one who entered it, except at the farther door, must go under the chain. This was Thursday night. Friday morning, Mr. George T. Curtis held his court,[1] and Charles G. Loring and Robert Rantoul appeared as counsel. Colonel S. J. Thomas appeared for the Southern claimants. More despicable wretches in appearance than the Southern agents I never beheld — cruel, low-bred, dissolute, degraded beings! No man's life or property would be safe a moment in their hands. Mr. Sewall applied to the supreme court for a *habeas corpus*, and it was refused without argument. Mr. Sewall, after it was refused, asked leave to address the court in favor of the petition, and was refused.

In the course of Saturday and Sunday a number of

[1] Mr. Curtis in this, as in the Shadrach case, was the United States commissioner before whom the alleged fugitive was carried.

gentlemen spoke privately to the judges, among others, Mr. Loring and Franklin Dexter, and an intimation was obtained that they would hear an argument.

Accordingly, this morning (Monday, April 7), Mr. Rantoul and I went into court and moved again for the writ and were heard. I was called in suddenly and was not prepared for more than an opening. Mr. Rantoul had been prepared and made a very striking and forcible argument, considered as a speech to the people, or as a piece of abstract reasoning, but not one calculated to meet the difficulties in the minds of the court. The Chief Justice was evidently timid, and tried to evade a decision of many points. I compelled him to decide that the petitioner was not entitled to the writ as of right, but that it was addressed to the discretion of the court. The petition set forth the "pretence" under which the petitioner was held to be a certain warrant, and annexed a copy as required by the statute. The court, assuming the warrant to be valid and legal, and the parties to be entitled to act, refused to issue the writ, and required us to satisfy them of the unconstitutionality of the warrant before they will issue the writ.

At three P. M. Judge Shaw delivered the opinion of the court refusing the writ. The grounds of the opinion are these: A conflict between the state and national courts is to be avoided. The national courts have power to issue writs of *habeas corpus*. The more expedient course is to resort to them when the act of their own officers is concerned, although the state courts will act in extreme cases. This is not a clear case. The only question is whether the commissioner can constitutionally act. The Act of 1793

gave the same powers to magistrates which this act gives to commissioners, and was acquiesced in more than fifty years, and recognized, or at least was not decided to be unconstitutional by any court. The point must be considered as settled by lapse of time, acquiescence and recognition. The writ was refused.

A writ *de homine replegiando* was sued out and put in the hands of a sheriff. He demanded the man and was refused by the marshal. As yet the precept has not been served. A criminal complaint was also made against the prisoner for stabbing one of the officers who arrested him. The marshals refused to deliver up the man on this precept; and this precept is not served. I do not believe there is moral power enough on the side of the state in opposition to the national government in Boston to enable the sheriff to serve a criminal process.

April 13. *Sunday.* I will endeavor to give a correct account of the occurrences of the last eventful week.

The sheriff had placed in his hands a writ *de homine replegiando* and a criminal warrant against Sims the fugitive for stabbing Butman, the man who arrested him, with order to serve the first writ, and if that was resisted to serve the warrant. He was advised that the commissioner's warrant, under which the marshal held Sims, being only a civil process, must yield to the criminal process of the state. The sheriff demanded Sims of the marshal on the writ, and was positively refused and told that if an attempt should be made to take him, force would be used to resist. As to the criminal process, the marshal said he had doubts, and asked for twenty-four hours to take advice, which the sheriff allowed him. At the

end of twenty-four hours the sheriff applied again to the marshal, and was told that so far as holding under the Fugitive Slave Act was concerned, he probably would have given him up, but that he also held him under a warrant for a crime against the United States. At our request, Mr. Loring (Charles G.) called on the marshal and asked him who issued the warrant and when. The marshal replied that it was issued on Monday morning by B. F. Hallett. Mr. Loring then asked Hallett what the warrant was for, but Hallett declined answering. Loring said that he feared the warrant was a mere trick. Hallett replied that if it was so, it was to counteract a trick.

By my advice Mr. Sewall demanded of the marshal a copy of the warrant and return. This was on Wednesday. In the afternoon a copy of the warrant was furnished. It bore date Monday, and had no return upon it. Early Thursday morning (it being Fast Day) Sewall obtained a petition from Sims for a *habeas corpus*, addressed to Judge Sprague, setting forth that he had been held for three days under a criminal warrant, without being brought before a magistrate to be examined, and also that the warrant was void. The defect in the warrant was that it did not allege that Butman was an officer of the United States, or that he was serving a process of the United States, at the time he was stabbed by Sims. Judge Sprague refused to grant the writ. The grounds of the refusal, as stated to me by Sumner and Sewall, who were present, and confirmed by the clerk, were that inasmuch as Sims was held on one process which was legal, he suffered no illegal detention because there was also another process, the legality of which was contested. The counsel cited to him a case from

Cowen's Reports, to the effect that where a party held under one process is also served and held by a different process, he may test the legality of the latter by a *habeas corpus*. Sewall ought to have asked him how he could know judicially that Sims was held under a prior process until it should be disclosed by the return of the writ, for the petition made no reference to it.

Coming into town in the afternoon, I found the gentlemen in consultation. It was finally resolved that Sumner and I should go before Judge Woodbury with the same petition, accompanied with an affidavit from Sewall that the marshal told him that he considered Sims as held under the warrant from the time it was put in his hands, and another affidavit from Sims himself, of his never having been informed of the arrest or taken before a magistrate to be examined or bailed. We found Judge Woodbury at his rooms at the Tremont House, and after a long consultation, during which I made three journeys to my office and the Law Library for books, to satisfy the judge that he could issue the writ at chambers in term time, and which lasted until seven o'clock, he agreed to open his court at eight o'clock P. M. Accordingly at eight o'clock P. M. the United States circuit court room was opened, and we presented our petition. The marshal sent off for Messrs. Choate and B. R. Curtis, who soon arrived in carriages. I opened the case by citing authorities to show that the *habeas corpus* is a writ of right, except in certain cases, of which this was not one, and demanded the writ as of right. If not of right, the fact that the prisoner had been held nearly four days without having been brought before a magistrate was evidence

of illegal holding, and also contended that the warrant set forth no crime. Sumner followed with additional points and authorities. We both denounced the warrant and arrest as mere tricks.

Woodbury gave a short opinion, acknowledging that he could not know judicially that Sims was held under another precept, and that the holding under the warrant was *prima facie* illegal, and required explanation, and issued the writ returnable before him forthwith. At ten P. M. the return, drawn up by Curtis (with aid, I presume, from Choate), was submitted. After about half an hour's argument on motion for delay, the judge adjourned to Friday at three P. M. It happened, most unfortunately and provokingly for me, that the Charlestown Flats case, in which I am engaged, and in which there is a great interest involved, and many witnesses and parties, had been specially assigned for Friday, before a committee of the legislature. It was to take all day and there was no escape from it. I had to give up my connection with the *habeas corpus*, in which my heart and pride and best feelings were engaged, and take to the Flats case, which was a matter of mere pecuniary speculation. It was mortifying to see how absorbed the petitioners were in their mud scheme, coming to my office and talking over the square feet and the lines, without so much as looking out of the window or asking a question about the case of the poor slave, so touching to humanity, so great as a question of constitutional and political law. All day I was employed in this case, and at night learned that Judge Woodbury had, as we feared, remanded the prisoner. He did not think the delay, under the circumstances, so unreasonable as to justify him in

releasing the prisoner; but said that the marshal ought to return the warrant, in good faith, as soon as he conveniently could. Our friends say that the judge made a mere political clap-trap speech, intended for the Southern market. Mr. Sewall then presented a writ *de homine replegiando* in behalf of Sims as a citizen of Georgia against the marshal, and asked the judge to appoint an officer to serve it. Thereupon, Colonel Thomas, attorney for Sims's master, objected to Sewall's authority to act for Sims, on the ground that as Sims had been in the mean time remanded into the custody of his master by Mr. Commissioner Curtis, and the relation of master and slave established, the slave could not appoint an attorney, and claimed the exclusive right to appear for Sims. Judge Woodbury sustained this claim, which, of course, put an end to all further proceedings.

The other proceedings of the week have been these: On Monday and Tuesday, Mr. Loring and Mr. Rantoul argued the case of Sims before Curtis, and Colonel Thomas replied in behalf of the master. Tuesday P. M. Curtis adjourned the court till Friday, to give himself time to write out his opinion on the constitutional question. Friday morning he delivered his opinion, sustaining his jurisdiction, and granting the certificate to the owner's agent. On the affidavit, he also directed the marshal to escort the prisoner to Georgia.

Another attempt was made to induce the sheriff to serve the criminal process, with offers of any force he might need for a *posse comitatus*, and bonds of indemnity, with assurances that the holding under the warrant could not be justified. But the sheriff's in-

clinations were all the other way, and his prejudices, and he let slip the opportunity. Had he been in earnest to serve the process, it might have been done. But the truth is, there is not moral force enough in Boston on the side of the slave to sustain the laws of the state in his favor. The national power, sustained by the interest of politicians, traders and manufacturers, overpowers the authority of the state courts.

Judge Shaw actually went under the chain to get to his court. Judge Wells of the Court of Common Pleas refused to do this, and a place was made for him. I have never been under it. I either jump over it or go round to the end, and have the rope removed, which they have at last graciously substituted for the last few links of the chain.

The Senate has taken up this matter and appointed a committee of investigation, which has been in session the last week. Their examinations show conclusively that the arrest and detention have been made chiefly by the city police force, and that no persons have been permitted to enter the court-house, in which the Supreme and Common Pleas courts were both in session, except counsel, parties, jurors, etc., unless by a written permit of the United States marshal, while the law requires the state courts to be open. If our people bear these indignities and assumptions of power over their rights and privileges, instead of being slave-catchers they ought to be slaves themselves.

Poor Sims was confined in a small room with one half window in the third story of the court-room, on the west side. The window was barred, and from my office I could see him looking through the grates of his prison. Our temple of justice is a slave-pen!

Our officers are slave-hunters, and the voice of the old law of the state is hushed and awed into silence before this fearful slave-power which has got such entire control of the Union.

Saturday morning between four and five o'clock the poor fellow, with tears in his eyes, was marched on board a vessel, escorted by a hundred or more of the city police under orders of the United States marshal, armed with swords and pistols, and in a few minutes she sailed down the harbor.

A convention of all persons opposed to the Fugitive Slave Bill, called a fortnight ago, met at Tremont Temple on Tuesday. It was a most enthusiastic, excited, earnest meeting. The only difficulty was in keeping the people within bounds. A large portion of the company were bent on a rescue, but all the leading men were "law and order" men, and moderate counsels prevailed. Horace Mann presided. Excellent letters were read from Seward and Charles Francis Adams, and speeches made by Mann, Palfrey and others. The election of Allen, the gain for Palfrey, and the increased loss of Upham were cheering intelligence.[1] At one time it was rumored that the sheriff was about to serve the warrant, and it is said that a thousand men prepared to go to the death for the state law were eager to offer themselves for his posse.

It seems that Sims was brought in a vessel to Boston without the master's knowledge and being dis-

[1] Special elections held in two of the congressional districts of the state, in which at the previous elections no candidate had received a a majority of all the votes cast. Judge Charles Allen was the successful Free Soil candidate in the Worcester district; Dr. Palfrey and Mr. Upham were the Free Soil and the Whig candidates in the Middlesex district.

covered on board, when inside the light, was maltreated and confined in the cabin by the master and mate, with the knowledge of the owner (J. H. Pierson), for the purpose of carrying him back into slavery, against the clear law of our commonwealth. Yet all attempts to arrest either the master or mate have proved futile, on account of the connivance of the owners at their escape.

Sims was carried back to Savannah and subsequently sold. Charles Devens, afterwards Attorney General of the United States in the administration of Hayes, and a judge of the Supreme Court of Massachusetts, was United States marshal for the district of Massachusetts at the time of the rendition, and as such responsible for the execution of the law. Though he performed the duty thus imposed upon him, he naturally disliked it, and thereafter felt himself under a sort of moral obligation towards Sims; and when in 1853, on the incoming of the Pierce administration, he ceased to be marshal, he made, through the Rev. A. L. Grimes, the colored clergyman in Boston, more than one ineffectual effort to buy the returned fugitive and liberate him. Mrs. Lydia Maria Child made a similar unavailing effort at a later period, General Devens offering again to supply the full amount supposed to be necessary to effect the purchase, some $1,800. After the breaking out of the rebellion, Sims, who had then been carried to Tennessee, effected his escape and got within the Union lines, returning finally to Boston. Here he was aided by Mrs. Child, General Devens and others, but finally went back to Tennessee. After Judge Devens became Attorney General, in 1877, Sims appeared in Washington and put in his claim for a place. He was made a messenger in the Department of Justice, and held the position for several years, being removed from it in the Arthur administration. He is now (1889) living in Washington, and is a bricklayer by trade.

There is no evidence that Mr. Dana ever came in contact with him again, although it would seem probable the two must have met after the latter found his way back, a freeman through the war power, to the scene of his former rendition to servitude.

April 24. This day, on the twenty-fourth ballot, Charles Sumner was elected United States Senator. It was matter of great rejoicing to us, to be sure. At night a procession formed in State Street and went to Sumner's house, but he had purposely left town. Thence they went to Charles Francis Adams, who made them a speech, thence to my father's, thinking that I lived there, and called me out. My father went to the door and told them that I was at Cambridge. They then gave three cheers for the old gentleman! "Three cheers for R. H. Dana, Senior!" . . . One hundred guns were fired on the Common, at noon (26th), and the news was received in various parts of New England with ringing of bells and firing of cannon.

June 1. The "Rescue Cases," for the trial of Scott *et als.*, concerned in rescuing Shadrach, came on last week, beginning with Tuesday, May 27. Jas. Scott is the first man tried. John P. Hale is senior with me for the defence. What I have seen of Hale has pleased me. He has strong sense, quickness, fairness and a habit of thinking over cases and points, with a good memory, although not a book man nor fond of mere learning. He is an excellent companion, unobtrusive and sociable. There is a queer mixture of the natural gentleman and the rough country trader or farmer about him. He is a man of good birth and education, but wasted his youth and was saved by an excellent wife.

June 8. The last week has been spent in the trial of Scott for aiding in the rescue of the fugitive slave Shadrach. The case was given to the jury at 12.30 P. M. of Thursday. At 5.30 P. M. they were called into court and reported that they could not agree and that there was no prospect of their agreeing. Judge Sprague ordered them out again, and kept them out until 9.30 A. M. of Friday, being twenty-one hours. Being still unable to agree, they were discharged. They stood six to six. This was a triumph for us, as the Government exerted its utmost efforts to secure a verdict. Judge Sprague gave an elaborate charge on the law, sustaining the constitutionality of the Act of 1850. On the facts, I am constrained to say that his charge was *ex parte* and excited. His eye flashed, his gestures were vehement and his whole soul was in the maintenance of the law, urging it upon the jury with the zeal of an advocate or a party. In commenting on the evidence, he repeated with emphasis all the reasons given by the United States attorney for believing the Government testimony and disbelieving ours, adding many suggestions of his own to the same effect, while he did not notice one of our suggestions or make one of his own in favor of our testimony or against that of the Government. In fact, I am satisfied that Judge Sprague considers himself placed on the bench to preserve the balance of the machine, and if he thinks that the jury, or public opinion, or the weight of counsel inclines the scale toward the prisoner, he must retain the equilibrium by inclining as far the other way himself. This is an error. He must preserve the neutrality of the bench at all events and keep other parties in their places if he can.

There is a little too much of the old politician about him to make him a clear judge in political causes, where the interests of his party and political friends are at stake. He is a man of a remarkably clear mind, penetrating and sagacious, equitable and firm. In fact, I have for ten years found him the model of a judge. But in these causes he has shown too much feeling and excitement, and has argued the case for the Government.

After this jury was dismissed, an attempt was made to impanel another jury. Three of these jurors answered that they could not conscientiously find a man guilty under this law, and were excused. The Government asked the court to question the jury whether they had expressed or formed opinions, or had any bias in the case. The court ordered the questions to be put. One juror was asked if he had formed an opinion, etc. He answered that he had, and was excused. We suggested that he did not rightly understand the question, and asked to have it explained. We suggested that he might think the questions referred to an opinion as to the entire transaction, while it only referred to the guilt or innocence of Lewis Hayden. The judge recalled him, and explained to him that the question related to the guilt or innocence of the prisoner. The juror then replied that he had not formed an opinion. Mr. Lunt interposed and said that the juror might have formed an opinion as to the acts of other parties. The judge put the question whether he had formed opinions as to the acts of other parties. I interposed : —

Dana. I hope the court understands that we do not wish the question put.

Court. I do understand that you wish it put. You asked to have the original question explained.

Dana. We did so; but this is not an explanation, please your honor. The question has been explained, and the juror has answered. This question came from the Government.

Court. It is a different question, I see. Mr. Clerk put the next question.

The *venire* being exhausted, the court adjourned to Monday.

The "Courier" of Monday, 2d inst., contains a column and a half of attack upon me for my Worcester speech, calling upon me to answer Mr. Haven and others. And the "Advertiser" of the same day has two articles on me; one, signed "the son of a merchant," calls on all the merchants to withdraw their business from me, and to proclaim non-intercourse. I shall not reply now, happen what will, and am glad that I did not reply. This is a mere political move and arises from a desire to injure the reputation of their opponents. They do not desire either to elicit the truth or to do justice.

June 15. All this week engaged in trying the case of Lewis Hayden for rescue of Shadrach. Hale has argued it nobly, with great skill in feeling the jury, and with passages of true eloquence.

17. *Tuesday.* The trial of Morris was broken off, after the Government had put in half its evidence, on account of a juryman, D. B. Walker, who was objected to as biased on newly discovered testimony. He had been put on his *voir dire* and sworn it, but the court against our objections allowed evidence of things said by him some time ago respecting the Fugitive Slave Law and other kindred matters, to show bias and prejudice, and set him aside. Before swearing in the new juror, the court, without our consent,

continued the case to the next term. *Query.* If the setting aside of Walker was illegal, is not Morris discharged?

New York, June 27. *Friday.* After dinner I went over to Hoboken and spent about two hours in a beautiful walk up and down the banks of the Hudson, from the Elysian Fields to Otto Cottage. I never saw a view in my life to surpass this for beauty and interest. You wander in the woods, on the banks of the Hudson, under the shade of the noble trees, with the great city stretched along for miles before you, its hum of trade and work just audible across the still, broad river at your feet; the shutting in of the Highlands visible up the river, and down the river the opening to the ocean at the Narrows; the whole scene enlivened by countless sails, pleasure boats and vessels of burden, with every few minutes a huge steamer darting out with a scream and deep-drawn breathing from the slips of the city.

July 15. This day was the anniversary of the Story Association. Choate delivered the oration. It was generally understood the afternoon before that he was preparing something on the Fugitive Slave Law and against the Free Soil party. Sumner told me so and would not go. I begged him to go to the dinner, and told him that if anything was said against us we would make fight. But he declined.

As I went up the platform, Choate shook hands, and said, "I am sorry you are coming. I shall have to offend you. You had better reconsider." And sure enough, the oration was a defence of the administration policy as to slavery, and an attack on the Free Soil party and principle. The plan was to prove that the preservation of the Union, in the

scale of an enlightened morality, was a greater and higher virtue than that which refused to surrender a fugitive slave, assuming of course, that the two could not coexist. It was an improper and inappropriate thing, and I think generally felt to be so. This was an occasion when all party questions were to be excluded and the graduates of the school to meet as brothers on common ground to be addressed on some subject of common interest. President Quincy and Mr. Hoar were the two oldest men present, both Free Soilers, and a striking commentary on the contemptuous manner in which Choate spoke of the youthful enthusiasm and inexperience of the Free Soil party. Neither of these gentlemen attended the dinner.

At the dinner there was nothing offensive, except the speech of General Carpenter of Rhode Island, who spoke of "that miserable, conceited, fanatical faction," etc. In my remarks I alluded to this in a pleasant way, but so that they should feel it. Mr. Story, in returning thanks for his father's memory, spoke of introducing "a regard for liberty in law, and conscience into legislation." Judge Hoar's toast was also to the point, about love of liberty, reverence for law and fear of God. On the whole, they had the disgrace of making an ill-mannered attack, and we rather had the last word.

July 17. *Thursday.* Phi Beta. . . . At the dinner President Quincy was first called up, and received, all standing. He pronounced a feeling eulogy on Judge Story as the real founder of the Law School, and concluded by saying that he had been forced into this by an occurrence of a recent date — that he had attended the exercises of the Story As-

sociation, and with deep regret heard an oration of which he would say nothing except that it had not one word about Joseph Story, or the Law School, or Mr. Dane.

Mr. Story in replying gave "Josiah Quincy, always true to liberty, virtue and friendship."

CHAPTER XI.

VACATION RAMBLES. — A MOOSE-HUNT.

August 1. *Friday.* Reached Cherryfield at 12.30, midnight, poor lodgings, early breakfast and ride to Bangor *via* Ellsworth. The chief characteristic of the country all the way from the British provinces to Bangor is that the farm-houses, small, thin, frail-looking shells, are all placed on the tops of hills, where every wind can rake them, with all the trees cut down in every direction, and not the relief of a tree, a shrub or a vine. Most disconsolate and cheerless objects they are. Not one attractive farm-house have I seen yet. Where it is so easy to put the house in a snug corner or on a slope, and to leave a grove of trees on the windy and exposed side of the house, to plant a vine that may climb over the door, — but no, there seems to be an inherent tastelessness in the common New England man, a deadness to grace or beauty in every form, which nothing but the cultivation and example of ages can correct.

August 6. *Wednesday.* Engaged Rowell, the hunter, to take me moose hunting, as I was determined to kill a moose, if possible, before I left. Before dinner I went down with him a few miles in his birch canoe to look after his bear-trap. We landed and went through the woods a half mile or so, and came to a small inclosure made of boughs with an opening on one side, and in the midst a large piece of

moose's carcass. At the opening was a bear-trap, covered with leaves, which Rowell took up. It was a cruel looking implement, and sprung with a fearful clash. He was going to remove it to a place above Kineo.

After dinner at about four o'clock set off on our moose hunt. We went out in Rowell's little birch with a gun apiece, loaded, a bucket containing some bread and meat for two meals, our thick coats, an axe and some pieces of rope. We paddled across the lake about five miles to the upper outlet into the Kennebec. This is the small outlet, the main outlet being several miles below. The outlet is narrow, with what people call "quick water," that is, "rapids," which we shot through, Rowell carefully and skilfully steering between the rocks and shallows and stumps, into a wide outspread which they call a "pond," then through quick water again into another long pond, at the end of which is a dam built by the lumbermen, over which the waters of the lake pour into a small branch of the Kennebec. Around these ponds are patches of grass-grown ground, partly covered by water, muddy and swampy, which they call "Poke-logans," into which the moose come to lie down and wallow.

We floated slowly along the banks of these streams and ponds under the shade of the overhanging forest amid the solitude of nature, with no human habitation within miles of us, in perfect silence, hardly daring to move in our canoe, watching with eyes and ears for the sound or sight of a moose. Twice Rowell landed and was gone some ten or twenty minutes to examine the tracks and marks, and returned with news that there must be at least one moose near

the lower pond. Just before sundown we landed and ate our plain supper, and when the sun was down put off again, paddling slowly up and down the stream, stopping to listen, and rounding the points and corners in profound silence, not even the splash of paddle being heard, in harmony with the falling of the night shadows on this romantic scene. The sunset was clear and beautiful, and the moon in the mid-heavens grew into light as the sun faded out. Then came the northern lights shooting up their spears into the dark sky, and the long-drawn, plaintive, musical cry of the loon, unsurpassed for poetic effect by that of any seabird, echoed back and to and fro among the hills. I sat in the bow with my gun by my side ready for instant action, and Rowell laid his across the boat to fire in case I missed, and guided the boat with his paddle. In this way, in entire silence, we floated about from sundown until the moon set, which was a little after midnight. The only sign of a moose was the heavy step, and breaking and cracking of branches as one of those huge creatures passed along near the shore on our left. We followed him slowly on the other side, but we heard no more of him. The moon being down it was too dark for a further hunt, and we drew our canoe in under the lee of a bank, and wrapping our coats about us laid down in the bottom, drawn up in narrow compass, to sleep until the dawn of day. The black flies had been very thick and troublesome in the afternoon and the mosquitoes in the evening, but it was a cold night and we were no longer troubled with them, although our sleep was a little interrupted by the chilliness of the air. I soon, however, fell asleep, and was dreaming of reading a con-

troversy in the "Daily Advertiser" between Mr. Ticknor and the trustees of the Athenæum, in which the trustees said that Mr. Ticknor complained, when he had in fact control of the committee through his family connections, to which Mr. Ticknor replied tartly with some intimation of political influence, — when Rowell touched me and said it was time to be stirring. Raising myself in the boat, I found that streaks of daybreak were out in the east and the birds beginning their notes.

Without a word spoken we dropped down the stream to the second pond, and round its shores and up again, without hearing the least sound of a moose, and were floating down again, when Rowell whispered, "There 's a moose, right ahead!" Just then we heard a breaking through the branches and leaves, and he disappeared before I got a sight of him. We were too far off for a shot. We paddled silently and slowly down, ears and eyes attent, when we both heard a sound again a little above us. As quick as thought the canoe's head was turned round in that direction and I held my gun in hand. Again the breaking of branches is heard at the water's edge, and the head and forepart of a moose appears, stepping slowly into the water. He paused and looked about, but did not see us, as we were close under the bank. As he did not go in any farther, Rowell pushed the canoe slowly forward, and I took aim, resting the gun on one knee as I sat in the bottom of the canoe. I took aim as I had been told, at the fore-shoulder, a little behind. I kept the aim until we were within about six or seven rods, when Rowell whispered, "Now, fire," and I fired. It was my first shot at any large wild animal, but I was as calm as if I had been

firing at a mark. It was not quite light, but I could see his outline distinctly. He disappeared. "What's that in the water!" said Rowell. He had fallen, and after an instant's stillness was struggling in the water. "Shall I fire the other barrel?" "No! He's dead." And a few strokes brought us to his side. As we passed him I turned round to look at him and incautiously sat on the gunwale, and over went the little birch, throwing us and our guns and axe in the water. It was not deep, and we recovered them easily and landed. A stab in the throat finished the struggles of the animal, and in a few minutes we had him hauled to the shore. It was a dead lift, getting him upon the bank, for although young, he was as large as a common small-sized cow.

My ball had taken him just behind the shoulder, a little higher than I aimed, and had gone through the wethers. The work of taking off the hide and quartering the animal I left to the hunter, although I did revive my old California experience by dissecting one joint and skinning the fore-leg.

Amid the triumph of my first shot I could not but take some satisfaction in the knowledge that this destruction of innocent, perhaps enjoyed life, was not in mere wantonness. This is the food of the people on the lake, by whom other meats are not attainable, and there was an order for a moose from Greenville, where this was to be taken. Man has dominion over the birds of the air, the beasts of the field and the fish of the sea. In its extent this dominion is unlimited, except by the laws of humanity. There must be no cruelty, no needless suffering inflicted, and no more taking of life than the wants of man, in the way of food, clothing, labor or science or art, perhaps also

exercise and recreation, justly warrant. Whatever we may say or feel about the taking of life, is not this the truth? Is it not the truth of Scripture and of reason?

Putting the fore-quarters, either of which was a heavy lift for one man, into the boat, with the skin, we pushed off anew up the rapids, through the ponds, and over the lake to old Kineo, which we reached before the people of the house had gone to breakfast. It had been a novel and exciting chapter in my life, for which I would give many of the humdrum days of pleasure in the established routes of men.

August 9. Thus ended, on the whole, the pleasantest, in every way most satisfactory sailing excursion I ever made. It is true that I have a fondness for a boat, for life on the water, beyond the affection I bear to any other mode of pastime. The vicissitudes of a day in a boat! This is always a quiet, unutterable pleasure to my spirit. It takes me completely from all cares of life. I forget that I am anything but a sailor, or have any purpose in life but to guide the boat, to watch the winds and meet the little exigencies of the hour. Then, too, my thoughts wander back to my old sea-life, and I dream over the events of that parenthesis in my life, and recall the faces of my shipmates, the scenes on ship and shore, and find myself humming over capstan songs and the cries at the windlass and the halyards. A good breeze enlivens me, and a calm soothes and tranquillizes me, and puts me in a dreamy state, — unless, indeed, I admit, it lasts too long.

CHAPTER XII.

LAW AND POLITICS. — THE BURIAL OF WEBSTER.

October 25. The chief events of the last few weeks are Judge Curtis' induction to office, and charge to the Grand Jury. The latter was a remarkably clear, lawyer-like performance. His definition of treason was in the technical Curtis-like style, to the effect that "levying war" is a technical phrase, which had an established signification at the time the Constitution was adopted, in the law of the realm. His signification extended it beyond an attempt to overthrow the Government itself, and includes combined attempts to resist by force the execution of one or more laws (it matters not which) in all cases. He repudiates the extreme notion that combined and intentional forcible resistance in one case is treason. Yet, I believe, that under our Constitution treason is — treason! It is an attempt to overthrow the State, and nothing less.

November 2. *Sunday evening.* Nothing of importance has occurred this week. The "Rescue Cases" are on again, and I made a point of law as to the removal of the cases from the District Court under Act of 1846, § 3, which has given them some trouble. Also, that Judge Sprague erred in removing the juror Walker after the case was opened for a cause on which he had been examined.

9. *Sunday.* Ten o'clock P. M. Henry T. Parker

has just come out to tell me of the death of our dearly beloved, our venerated clergyman, Dr. Croswell! Blessed are the dead who die in the Lord! He has gone — "having the testimony of a good conscience; in the communion of the Catholic Church; in the confidence of a certain faith; in the comfort of a reasonable, religious and holy hope; in favor with Thee our God, and in perfect charity with all the world."

How deeply this loss will be felt by our parish. He was its Alpha and Omega. He opened its first service in its little humble hall, and has gone on with it through adversity and prosperity, with singleness of purpose, a devotion never exceeded. Neither salary, nor society, nor literature, nor ease drew him, or threatened to draw him, away a moment. Daily, morning and evening, with hardly rest enough for the necessities of health, has his voice offered up the service of our Church, the only daily service in the city, until a full and devoted congregation has been gathered about him. No man ever worked more faithfully, or with more solemn and substantial effect. It may be said, without impiety, that the eyes of all waited upon him. Generous, kind, patient, devoted, magnanimous man! May thy prayers never cease to go up for us, poor, frail, sinful worms of the dust, thou hast left behind thee!

There are many striking things in the manner of this death. On the tenth day of November, 1844, Dr. Croswell arrived in Boston to take charge of this parish, and on that evening first met us in a parish meeting. On the ninth day of November, 1851, at evening, making an exact period of seven years, to the day, on the Lord's Day, at the last words of the

evening service, while kneeling with his face to the altar, with the whole gospel armor on, in the white robes of his sacred office, the Angel touched him, "The Lord hath need of thee," and as the sun went down his spirit obeyed the summons.

Mr. [William F.] Otis says, "He was an emanation of the Prayer Book." So he was indeed. He was the most liturgical man in form, voice, manner, spirit, I ever saw. He is forever associated in the minds of his people with the grandest and most tender parts of that noble service, the Glorias, the Benedictions, the Confessions.

November 16. The chief secular events of the week are the elections. The Coalition (Free Soil and Democrat) has probably carried both branches of the Legislature, and Winthrop lacks 8,000 votes of a majority. I think the Coalition an error of moral science on the part of the Free Soil party; but I rejoice that the Whigs are defeated, in the present selfish and cowardly policy, and that Sumner's election is thus ratified by the people.

The other event is the acquittal of Morris. I hope this will end the "Rescue Cases." Judge Curtis' charge was lucid, and absolutely impartial.

The Morris above referred to was Robert Morris, the first colored lawyer at the Suffolk bar, and well-known in the legal profession of Boston in 1852 and subsequently until his death. Mr. Charles G. Loring, an earnest anti-slavery man, and a prominent member of the Suffolk bar, had taken an interest in Morris, who had studied law in his office. He was the legal adviser of a large portion of the colored community in Boston, his practice being mainly confined to small cases in the inferior civil and criminal courts. Strongly sympathizing with those of his own race, he was

present in the court-room when Shadrach was rescued, though there was no evidence that he was a direct participant in any lawless proceeding. It is he also who is referred to in the following extract: —

1852. *January* 2. I received to-day as gratifying a testimonial as I ever received, and perhaps ever shall receive. It was a New Year's present of Hallam's works in eight volumes, a superb London edition, beautifully bound, from "several colored citizens of Boston," on account of my services in the "Rescue Cases." The gift was accompanied by a complimentary and well-written note from Morris. I answered it with true feeling of satisfaction.

The note from Morris above referred to was as follows: —

Boston, *January* 1, 1852.

Dear Sir. — A number of our colored citizens, deeply grateful for your most able and manly defence of the parties indicted for the rescue of Shadrach, and anxious to show, even by a slight token, their heartfelt respect for your character, and their cordial appreciation of your invaluable services in the rescue trials, ask you to honor them by the acceptance of the accompanying volumes of the historical works of Hallam. In his writings we seem to discern a spirit kindred to your own, since they are everywhere animated by that strong sentiment of *Liberty protected by Law* which lives in your own breast, and which has in all later times so honorably distinguished the truly great constitutional lawyers, the Erskines and Broughams of England.

I am, sir, with the highest respect,

Your friend and servant,

Robert Morris.

R. H. Dana, Jr., Esq.

Then, and long afterwards, as will appear from the following letter, whenever Mr. Dana's name came into prominence, it was a favorite newspaper charge against him that

he had accepted a fee for his professional services in defending the fugitive slaves or their rescuers. One of these charges appeared in the "New York Tribune" of the 26th of August, 1872, and was summarily disposed of by Edmund Quincy in the following letter: —

To the Editor of The Tribune.

Sir, — In your issue of the 26th instant is an article entitled "A Daw Plucked," which contains the statement that Mr. Richard H. Dana, Jr., had received the sum of $2,500 "for his services as attorney in behalf of the hunted fugitives from slavery." As my name is mentioned in the same article in a complimentary manner, my conduct and that of two other gentlemen being contrasted with that of Mr. Dana, perhaps you will permit me to state the exact facts in the premises, the same being within my own personal knowledge.

Mr. Dana never received any remuneration for his professional services in any fugitive slave case. After the close of the case of Anthony Burns, the Committee having charge of his defence, of their own mere motion, sent Mr. Dana a check for two hundred ($200) dollars. This he returned to them, saying, in substance, that he hoped the time would never come when a member of the Boston bar would accept money for his professional aid to a man claimed as a slave. The Committee, then, to show their sense of his services, presented him with a piece of plate with an appropriate inscription, as a permanent memorial of the event.

When the trials of the "Shadrach Rescuers" approached, Mr. Dana, together with Mr. John P. Hale, then Senator from New Hampshire, were retained professionally for the defence. Both these gentlemen held that there was a clear distinction between the case of a slave claimed under the Fugitive Law and that of a citizen who had rescued one out of the hands of the United States officers, and who was to have a legal trial before a court and jury for the act. There were five trials which occupied many days. Mr. Dana defended all of them, Mr. Hale having to withdraw after the

first two. For this service Mr. Dana received, not $2,500, or the fifth part of it, but the precise sum of four hundred ($400) dollars. I think no lawyer will say that this was an excessive compensation for the time and labor bestowed on the trials and the preparation for them.

EDMUND QUINCY.

DEDHAM, MASS., *August* 30, 1872.

After living several years, first in the West Cedar Street house and subsequently in lodgings, Mr. Dana finally, as his family increased, decided to give himself the luxury of a house of his own. Naturally enough he fixed upon Cambridge as his future abiding-place. Accordingly, about the year 1851, he purchased a lot of land, not far from Cambridge Common and the Washington Elm, and built a house upon Berkeley Street, a name given by himself in honor of Bishop Berkeley. While this house was building and being furnished, he and his family lived at the Brattle House in Cambridge, since occupied by the University Press, but then a hotel. In the Berkeley Street house he passed the next seventeen years of his life, and his best working period. The rear of his land almost adjoined the rear of the larger grounds on which stood the Craigie house, fronting Brattle Street, then occupied by the poet Longfellow, with whom and his family the personal and social relations of the Danas were always close. Cambridge was at this period in its happiest social condition, as the street railway, which soon converted it into a convenient suburb of Boston, did not make its advent until 1856. So the Danas now saw a great deal of the Everett family, just closing their time of residence in the old president's house, James Russell Lowell and his wife, Professors Channing, Beck, Peirce, and the young professors, Child, Lane, Cook and Gould, who occasionally added a touch of humor and gayety to the Book Club reunions by representations of German amusements, — reminiscences of student days. They also frequently met, among other families, the Pal-

freys, the Feltons, the Nortons, the Wheatons and the Greenoughs. For years also it was the habit of Charles Sumner when at home, after taking a Sunday dinner with Longfellow in the middle of the day, to drop in at Dana's at the hour for tea. At one period Dana, as was apt to be the case sooner or later with Sumner's friends, incurred his displeasure by differing from him in public over some question of political policy, and for years the Sunday evening visits ceased; but after 1866 friendly relations were renewed, nor were they again interrupted. In the following entry Dana recorded his delight, when at last, after ten years of married life, he found himself in his own permanent home: —

On Tuesday, March 16, we took possession of our new house. . . . It is a beautiful house. —— has selected the wall-papers and carpets and curtains and furniture with so much, such exquisite taste, that it looks like fairy-land. Then the pleasure and comfort and satisfaction of being in one's own house! Every day since we have been in, we have admired and congratulated like children at a play.

I have devoted two nights to the arrangement of my books and papers in my study, and have now the comfort for the first time in my life of a private room, with my own furniture and papers and books about me, where I can read and write and think without interruption. May we be duly grateful to God for his blessings, and may I make use of my opportunities; may my private room be consecrated to study and thought for my own good and the good of my fellowmen!

Nor in Dana's eyes did time wither or custom stale the attractiveness of this, his first home. Years afterwards, when he and his family had long lived in Boston, he had

occasion to revisit the Berkeley Street house, to attend the funeral of one of its occupants. On his return home he wrote as follows to his wife, who, with several of his daughters, was then in Europe: —

1871. *December* 24. I sat in the dining-room, with many thoughts and much meditation on our seventeen years there, when our children were infants and little girls, and we were almost young, and all we had done there; and after all left the house, I sat in my study, and looked into the parlor. It is a beautiful house, — and in such good taste.

1852. *April* 29. *Thursday.* This evening Kossuth was to speak in Faneuil Hall. Sarah and I went, and had the good fortune to get a good standing place, in company with Mrs. S. G. Howe and Mrs. Hillard. He spoke extremely well. His speeches are full of thought, his manner is dignified and quiet, yet earnest, his eye the centre of attraction, and his voice clear, audible and flexible, without being very loud.

May 2. Dr. S. G. Howe invited Sarah and me to pass the evening at his house, and meet Kossuth, Pulszky, and their wives. Mr. and Mrs. Longfellow were also invited, so we took a coach together. The company consisted, beside our host and hostess, of Kossuth, Madame Kossuth, Pulszky and Madame Pulszky, Longfellow, Mrs. Chas. Sedgwick, Theodore Parker, Mr. and Mrs. Hillard, Geo. Sumner and sister, and Wm. F. Channing. I was introduced to Kossuth suddenly, and simply said, "I had the pleasure of hearing you at Faneuil Hall." He bowed. "I hope you found it an easy hall to speak in." "Quite the contrary. It is so difficult to keep one's voice, that one loses his ideas." "Indeed, I am surprised. You spoke with such apparent ease, and

filled the hall so perfectly, that I hoped you found it agreeable to you." No reply. An awkward interval. He is a reflecting, abstracted, absorbed man, and never wastes himself on small matters. Moreover, English is not easy to him. He looked out of the window, and said that it was a fine prospect. It being dead low tide, I remarked that the low tide and flats were picturesque. He made no reply, and just then Dr. Howe came up.

This is the beginning and end of my acquaintance with Kossuth. But I like the man. He is thoughtful, earnest, solemn and full of great purposes. His eye is wonderful, indicating both tenderness and intensity.

June 10. The jury disagreed in Elizur Wright's case. Eleven for conviction and one for acquittal. It seems as if Providence always raised up at least one faithful man on each jury to prevent a conviction in these cases. The general impression is that Wright might have been acquitted if he had had counsel.

Dana speaks of the curious fact that on every jury before which any one alleged to have been concerned in the Rescue Cases was tried, there was always one "faithful" juror. In subsequent years, he was in the custom of telling a singular anecdote illustrating this fact. A day or two after the rescue of Shadrach he was smuggled off to Canada by the Fitchburg railroad. He was easily traced, and a telegram ordering his arrest was sent to Fitchburg, where in those days the westward train was delayed for a considerable time; but when the train arrived that day Shadrach was not on it. It subsequently appeared that the conductors of the "underground railroad" having him in charge had suspected that a telegraph message to Fitchburg might occasion them trouble, so they had left the train at a way sta-

tion before reaching that place, and hurriedly driven in a wagon thence across the state line, to the first way station in New Hampshire, where they again caught the train on its way north, and forwarded their charge safely to Canada. Some year or more after the rescue trials were over, Dana had occasion to deliver a political speech in Middlesex County, not far from the New Hampshire state line. After the meeting had dissolved, and he was preparing to leave the hall, he was approached by a quiet, plain-looking man, who inquired if he remembered him. After looking at the man a moment, Dana answered, — "Yes. You were the twelfth juror in ——'s case;" mentioning one of the rescue trials. The man immediately replied, "Yes; I was the twelfth juror in that case, and I was the man who drove Shadrach over the line."

"Now," Dana would add, "how singular it was that Lunt and the United States marshal should have raked the district of Massachusetts to find a jury that would convict in that case, and had subjected the whole panel to special investigation to establish the fact that no one in it had such a bias as would prevent conviction, — actually packing the jury, — and yet had succeeded in getting into the jury-box the one man who had been instrumental in running Shadrach finally out of the jurisdiction!"

19. All the world absorbed in the ballotings of the Baltimore Convention. Scott, Fillmore and Webster. It is strange how much more interesting are personal politics than political principles. The "platform" is hardly noticed except by the few thinking minds, while all are running mad on the names.

The platform seems to me as satisfactory as could be expected of a national party, unless the North could be brought to reject the whole slavery question by force of numbers. The clause "until time and experience," etc., opens the door widely enough for

persons who think the constitutional provisions ought to be enforced by congressional legislation.

June 27. The nomination of Scott is matter of extreme mortification and chagrin to the Webster men. They seem to have no principles at stake, but to follow merely a blind personal devotion to Webster. They are full of voting for Pierce. Conservatism, tariff, banks, Cuba, war, — all is forgotten! They see and feel only the failure of their candidate and of his system. The truth is, they feel that the rejection of Webster and Fillmore, backed as they were by the entire Southern strength, by the power of the administration and of the great cities, in favor of Scott, whose strength lay in the North and in the country, is significant of their entire policy. This convention has shown four things: —

1. That serving the South is not sure pay.

2. That the North is able to prevail if it will.

3. That the liberal Northern element in the Whig party is strong enough to beat the South, the administration and the great cities combined.

4. That the Fugitive Slave Law is a statute and not a compact.

Still, the North was far from doing its duty. The eighth resolution [1] should have been killed and might

[1] The section referred to was as follows: —

Eighth. — That the series of acts of the Thirty-first Congress, — the act known as the Fugitive Slave Law included — are received and acquiesced in by the Whig party of the United States, as a settlement in principle and substance, of the dangerous and exciting question which they embrace; and, so far as they are concerned, we will maintain them and insist upon their strict enforcement until time and experience shall demonstrate the necessity of further legislation, to guard against the evasion of the law on the one hand, and abuse of their powers on the other, not impairing their present efficiency; and we deprecate all further agitation of the question thus settled as dan-

have been. The party should have rejected the whole slave question from its platform. It looks too much as if the North yielded the platform to the South, in expectation of carrying its candidate, and came very near losing that. But two great results are gained, — Webster and Fillmore are rejected, and the policy to which they are committed — that of compelling men to treat the Fugitive Slave Law as a compact — is defeated.

August 26. Invited to preside at the Ratification Meeting at Faneuil Hall, to ratify the Pittsburgh nomination.[1]

Objections. (1.) Cannot engage in politics. My profession requires all my time and mind. (2.) Do not want to commit myself to "Free Democracy" without explanations and qualifications.

Reasons pro. (1.) The threats made against me in the papers some time ago, that merchants, etc., must withdraw their business from me. (2.) The want of sound and conservative men in action in our party.

Never more distressed in my life to make a decision. Talked with Adams, Wilson and others. All wanted me to speak. Very reluctantly and quite unsatisfied, determined to decline. Did so. I do not know that I ever so much regretted the want of property, to enable me to do a great public duty.

September 25. *Saturday.* Went to Watertown

gerous to our peace; and will discountenance all efforts to continue or renew such agitation whenever, wherever, or however the attempt may be made, and we will maintain this system as essential to the nationality of the Whig party of the Union.

[1] John P. Hale of New Hampshire and George W. Julian of Indiana had been nominated at Pittsburgh on the 11th of August, by the convention of the Free Soil party, as candidates for President and Vice-President.

to lead in the prosecution of the complaint against Porter for liquor selling. There was apprehension of a riot, and a police force of 125 men were on the spot. It was adjourned, on an affidavit of Porter that he had just learned that the complainant was an atheist. I made an effort to reach the 3.45 train for Hartford, in order to get to Wethersfield. Drove rapidly to my house and there found little Charlotte, who had been promised the journey, trying to get dressed and packed in season, but there was not time. They hurried, but she behaved very well, and said she would not try to go as it would detain me and I might lose the cars. I drove off and reached the cars in season. On the way I was so much affected by the thought of the dear little girl's disappointment, that I could take no pleasure, nor indeed keep my mind composed. It was not necessary for me to go that afternoon, and a loss of a day to me or her mother was not of so much consequence as the disappointment to her. Unable to satisfy myself, I inquired of the conductor, and found that I could get out at Framingham and return in the down train. I did so, and felt my mind so much relieved that I felt sure I had done right. I reached home at tea time, and the little girls were so happy to see me, and we had so pleasant an evening together, and Charlotte was so happy at the thought of securing her journey, that I was well repaid. The prospect, also, of a long quiet Sunday at home was inviting, it being my only day of rest and reading.

October 23. Engaged yesterday and to-day in the trial of Elizur Wright's case for rescue of Shadrach. He is entirely clear of all connection with the rescue in fact, although he was delighted with the result.

Judge Curtis tries the case well and fairly — very fairly. His bias is against us, but he schools himself to keep it under, not only in form but in reality. In some points he has taken pains to aid the prisoner. Only twice has he acted, as we think, under a wrong influence. He was wrong in permitting the third interrogatory to be put to the jurors after acknowledging that it was likely to mislead, on the ground that no substitute that had been offered or that he could devise was satisfactory. Better not put the question than to mislead. But it is impossible that court and counsel cannot put a proper interrogation into writing. The second instance was when he interrupted me in my opening, saying that I was going too much into generals, that my duty was to state the facts we intend to prove and the law applicable thereto. If counsel arrange that the usual address to the state of mind of the jury, to remove prejudice and mistake, shall be made in the opening, I do not believe the court can control it. If it can, it is a bad thing to try and fail in. Interference with the argument in a political cause is of questionable utility.

25. *Monday.* Yesterday morning, at three o'clock, Daniel Webster died. He died at Marshfield, at his own home, in his bed, surrounded by his friends.

It is felt by all to be a most solemn season. Those who agree with his course on the 7th March and since feel that the country has sustained an irreparable loss, and almost idolize his memory. Those who condemn his course then feel all the more solemnly his death, for they feel that this great sun has gone down in a cloud. Those who sustain him in his opposition to the regular nominations, and in running separately for the Presidency, feel that their head is

taken away from them, while those who disapprove of his course cannot rid themselves of the feeling that his defeat at Baltimore and the entire failure of the attempt to arouse the country to his separate and independent support have caused or hastened [his death]. From all these causes, and in their various and conflicting qualities and degrees, all men agree to mourn his death. No death since that of Washington has excited so general a grief.

October 26. *Tuesday.* The bar held a meeting yesterday morning, before I got into town, and appointed a committee of five to take charge of the proceedings, prepare resolutions, etc. This consisted of Choate, Bartlett, G. T. Curtis, Hillard and myself, and C. G. Loring, *ex officio.*

27. *Wednesday.* Elizur Wright was acquitted, much to our joy. The bar ought to vote Farley and me a service of plate for demonstrating the importance of professional services. At the previous trial he defended himself, and had but one juryman on his side, — came within one of being convicted. Now he employs counsel, and is acquitted. But he deserved the acquittal. He had no part or lot whatever in the rescue, although he was ready for it, no doubt, if an opportunity had offered. Judge Curtis' charge was a model of impartiality.

28. *Thursday.* The bar meeting was held today, at 9.30 A. M. As ladies were admitted to a few reserved seats, I took in Sarah and she had the great pleasure of hearing all the performances. The committee met at nine, to read the resolutions. One said that Webster's great voice never failed to support the cause of the oppressed, etc. I requested them to alter this, as it seemed to point to the dis-

puted point of the 7th March speech. Judge Warren at first proposed to vote me down, as I was the only Free Soiler; but after a few words from me, either from deference to my argument or from fear that Professor Greenleaf and C. G. Loring might sympathize with me, they consented to alter it, and to speak of his voice having so often penetrated where oppression, etc. I told him I could well sustain that, for I believed he had done more than any living statesman to establish the true Free Soil doctrines.

The proceedings in court were an honor to the bar and bench, and would have done honor to any bar or bench in the world. Choate was admirable, full of originality, beauty and feeling. Loring was instructive and able; the apprehensions from George T. Curtis were not realized, for he had the good sense to be quite short; and George Lunt met the embarrassments of his position with good taste and feeling. His position was awkward, for he claimed the right, officially, to announce the death and make the motion, while the bar had refused to place the resolutions in his hands. The reply of Judge Sprague was spirited and interesting, and delivered in an excellent style, clear and manly, and Judge Curtis, *more suo*, was clear, judicious, temperate and sensible. The whole affair was worthy of the occasion, which is saying a great deal.

29. *Friday.* Left Boston at 7.45 A. M. *via* Cohasset, for Marshfield, to attend the funeral. At Cohasset we took coaches and rode to Marshfield, a distance of some fifteen miles.

The day was a warm autumn hazy day, with a falling and fallen leaf, and a sere look of the grass,

in good keeping with the occasion and the rather barren and dreary look of the country. Some four or five hundred passengers came by this train and filled some fifty or eighty carriages. At every cross-road carriages joined us, and as we neared Marshfield it became a perfect funeral procession. As far as the eye could reach, before and behind, was a long file of carriages, and we had to stop and whip up, at intervals, as in the most crowded thoroughfare. It was interesting to see the people on the road, most of whom had never seen an omnibus, nor a larger assembly than of a Sunday at church, gazing with wonder at the six-horse coaches, the beautifully painted omnibuses and the great concourse of men. A mile and a half before we reached Mr. Webster's we found wagons, chaises and coaches, put up at sheds and barns, and standing in the open fields, the horses tied to fences and trees. This continued all the last mile and a half of the way. On looking over the country from the hilltop, they covered the land like grasshoppers.

When I reached the house it was full, and the doors were locked, while an immense crowd filled the piazzas and the yard, and was scattered over the grounds. Under a tree in front of the house stood the coffin, uncovered, and in it lay stretched at length, in the full dress that he wore at his last speech, "all that is mortal of Daniel Webster." He had on a blue coat with gilt buttons, and a white neck-cloth, which kept up a natural appearance to the form, while the huge, massy forehead, the dome of thought, lay open, under the New England sky, gazed upon by the thousands of his own race and nation in silent awe. Even in the open yard the

crowd was so great as to require constant watchfulness to prevent disorder.

Daniel Webster was a true product of New England and true child of her earth, and to her earth, on her most sacred spot, the home of the Pilgrims, was he to return. There was something solemn in the solitariness and remoteness of his home, in the dreary stretches of sea-shore in view, and in the thought that he died here, and not in the bustle and hurry of a city. And to this remote and not easily accessible spot thousands, from all parts of the country, from all cities and states within reach, have made their toilsome journey, moved by a common impulse and overshadowed by an awe which they feel but cannot all express.

No man represented so completely in our day, at least, the mighty, innate, inaccessible superiority of dialectic intellect. The Almighty gave him, at birth, a larger and heavier brain than any of his race, and a physical frame suited to its utmost needs.

The body was borne to the tomb, situated in a corner of the parish burying-ground which he had appropriated to himself and his family, with a path leading to it from his home. Then the great crowd began to disperse, and the great caravans started on their way to the neighboring towns and the nearest railroad stations. The scene for a while, except that all was as still and solemn as the driving, turning and crossing, and the calling for passengers would permit, was not unlike the descriptions of the motley crowds of vehicles at the English races.

I rode to Kingston, and thence to Boston by rail. One of the most touching things in all that met the eye or ear at Marshfield was the lowing of the cat-

tle shut up in their barns. They seemed like real mourners for him whose large heart went out in affection to them.

November 3. *Wednesday.* The country gone "with a rush" for Pierce. A New Hampshire, Democratic, doughface, militia colonel, a kind of third-rate county, or, at most, state politician, President of the United States! I fear this is the best of it. But the Whigs in making their platform prohibited us from supporting Scott.

It is now ten days since Webster's death, and five days since the scene at Marshfield, and a national election has intervened, yet the scene and event haunt me. I cannot escape from it. Every vacant phase of mind is filled with the image of the great solemn countenance, lying stretched in death in the open air, under the canopy of heaven, beneath the tree his own hand had planted, in the yard of the house where his affections were garnered up. With all his greatness and smallness, with all the praise and blame, gratitude, admiration, censure and distrust, with which we look upon his life, there is something so majestical, so large of mind and heart about him, that an emotion of pride and tears swells at the very thought of him.

Strange, that the best commendation that has appeared yet, the most touching, elevated, meaning eulogy, with all its censure, should have come from Theodore Parker! Were I Daniel Webster, I would not have that sermon destroyed for all that had been said in my favor as yet.

1853. *January* 4. I never meet Choate without some pleasant or interesting thing being said. I met him in the Library and asked him if he had read

Seward's speech on Webster in the Senate. He had. I hoped he thought it as striking as I did, and I added, "Don't you think there is more thought in Seward's speeches than in those of any man now in public life?" He said he did; that Seward was a thinker and writer as well as a speaker. I alluded to Seward's saying that in one respect Webster surpassed Erskine and "approached Hamilton," and asked him how the devotees of Webster would relish that. He did not reply directly, but said that he was engaged in an examination of Hamilton, and was at a loss to discover that poetry for which all his contemporaries gave him credit. I said I did not think Hamilton's mind was poetic, that he was heroic and chivalrous, but not poetic. Choate thought it must be so, and that his works were clear processes of intellect. "But," said he, "I remember an anecdote told me by Devereux of Salem. He had occasion to pay some attentions to Aaron Burr during a visit Burr made to Boston after the death of Hamilton. He took him to the Athenæum, and while walking through the sculpture gallery, seeing the bust of Hamilton near him, turned off, naturally thinking it would be disagreeable to Burr to be brought before it. But Burr went directly up to it and said in a very loud tone, 'Ah! Here is Hamilton.' And, pressing his finger along certain lines of his face said, 'There was the poetry!'"

5. *Wednesday.* Supped at Lowell's with Thackeray. Present, Longfellow, Felton, Clough, an Englishman, James T. Fields, Edmund Quincy. We sat down a little after ten, had an excellent supper, and left a little before two o'clock. Walked home with Longfellow. Thackeray is not a great talker. He

was interested in all that was said, and put in a clever, pleasant word occasionally. Felton, Lowell and I did nearly all the talking.

February 13. No event of importance has occurred the last two weeks. I called on Lunt, United States district attorney, to induce him to *nol. pros.* the remaining rescue cases, cases of men who for nearly two years have not been brought to trial, and of Scott, who has been tried over, the jury disagreeing, and has not been brought to trial again, though twenty months have elapsed. I told him that such a course was unprecedented in criminal and especially in political trials. His reply was that these were not political trials; that perhaps "the fellows had been punished enough" (what right had he to punish?); and lastly, that he supposed I knew that the late Secretary of State, Mr. Webster, had taken these cases into his own hands, and that he (Lunt) had been obliged to do as Mr. Webster said, and not as he wished, etc. This admission of Mr. Webster's deep interest and efforts in these rescue cases corresponds with what Sanger, Mr. Lunt's assistant, told me last summer. He expressed himself with a good deal of warmth, and suddenly checked himself to the effect that if the Secretary of State had common sense, with all his greatness, he would not press a trial at that time. But Lunt refused to *nol. pros.*, and said, "Perhaps he would try one of them next May." I shall bring it before Judge Sprague.

23. *Wednesday.* An attempt being made to return some of the leading men of the Free Soil party to the [Constitutional] Convention from towns they do not live in, a measure necessary from the fact

that our leading men live in Whig towns, Mr. Alley asked me from what town I could go. I told him I thought Manchester would elect me, and he said he would make a business of it. To-day Robert Carter called, from the State Committee, and said that the Free Soilers in Manchester were willing to nominate me, and the only difficulty was with the Democrats, without a support from some of whom it would be difficult to elect me, and proposed that Mr. Mayo, formerly of the bar, and last year the Democratic fish inspector, recently removed by Clifford, should call and talk with me and get my opinions, and then go down and talk with Democrats there, with whom he had a good deal of influence.

This proposal I declined at once. It would put me entirely in the power of a man of whom I knew nothing, who might misrepresent or misunderstand me, and who, at all events, would have it in his power to charge me with deception or inconsistency, if I should differ from him in the convention. I told Carter I would much rather go down in the bold English way and face my constituents, if they needed any information.

Afterwards Wilson and Alley came and approved of my refusal, and said I should probably be called on to go down and address the friends of the convention.

March 8. *Tuesday.* Yesterday was the day for the election of delegates to the convention for the revision of the Constitution. I had the compliment of being elected from Manchester by a clear majority over all others on the first ballot. I have also the satisfaction to know that I was elected without a coalition, and am therefore under obligations to no

party to which I do not belong. The Free Soil party nominated me, and I accepted the nomination in a letter. The Democrats refused to unite in this nomination, and ran a separate candidate. The Whigs also had a separate candidate. But there were enough of the old parties to vote for me voluntarily to secure my election. Sumner is elected from Marshfield, and Webster's son was the candidate against him, but Sumner had a large majority. His election was on the 7th of March, the anniversary of Webster's speech! Several others have been elected from towns in which they do not reside, in the English fashion. The friends of the convention have a very large majority, more than a hundred, over the Whigs. This has been mainly owing to the folly of the Whigs in opposing the convention, and trying to repeal the act for calling it after it had been accepted by the people.

March 10. *Thursday.* Court at Dedham. Verdict in my favor in Bigelow *v.* Wood to full amount claimed. Began White *v.* Braintree.

We have very pleasant times here at the trials. The judge, the sheriff and the members of the bar from out of town board together at the hotel; the judge sitting at the head of the table and the sheriff at the foot, the lawyers seating themselves by a tacit understanding according to age and importance, and there is a good deal of pleasant conversation. At dinner there will often be a stray guest from Boston, who has come up to make a motion or look after his docket. Choate, Bartlett, Hallett dropped in on us this week. Here, too, is the remnant of the old style in which the courts used to be received. The sheriff with a long white rod comes to the tavern and stands

by the door and precedes the judge on his way to court and into his seat, and in the same way conducts him back at the adjournment each day. This is all that is left of the old pomp and parade of court week, — two plain citizens walking through the mud together, one with a long white rod, and the other without!

April 7. *Thursday.* Being Fast Day, took a long walk, and in the afternoon and evening wrote the chapter in the "Memoir of Rantoul" on the Sims trial, at the request of the person preparing it.

8. *Friday.* This morning [John P.] Hale received a compliment which evidently pleased him much, and naturally. Commodore Nicholas, of the United States ship Germantown, just arrived from the coast of Africa, met him, and thanked him for his efforts in behalf of abolishing flogging in the navy. He said, "No man could have been more opposed to the bill than I was. I believe I cursed you a great many times for it. But I have come back delighted with its operation. It raises the character of the men astonishingly. I could not have believed it." He then invited Mr. Hale on board his ship, introduced him to his officers and men, and when he left the crew manned the rigging and gave him three cheers.

During this summer the family of Mr. Dana was broken up, Mrs. Dana having been advised to place herself at a water-cure establishment at Brattleboro', Vermont, whither Dana accompanied her on the 30th of April.

May 1. *Sunday.* In the morning Sarah and I went to the Orthodox church (there being no Episcopal church), and in the afternoon I went with

Rosamond to the Unitarian. In each heard characteristic sermons. The Orthodox preacher was a hard, sharp man, with a bilious complexion, stiff hair and black eyes, and he preached an argumentative sermon on the Atonement. The Unitarian was a tall, thin, mild-looking man, and he preached rather a soft, summery sermon on the text "The fruit of the spirit is love." In both churches the congregation sat through the prayers, and the little form of leaning the head forward is now dropped, and there is nothing to distinguish externally the prayer from the listening to the sermon.

CHAPTER XIII.

THE MASSACHUSETTS CONSTITUTIONAL CONVENTION OF 1853.

The Constitutional Convention of 1853 met at the State House in Boston on the 4th of May, and adjourned on the first of August following, having been in session seventy-two days. Among its members were many of the principal Massachusetts public characters of the time, including Charles Sumner, Rufus Choate, Henry L. Dawes, Robert Rantoul, Henry Wilson, Sidney Bartlett, Benjamin F. Butler and both the Marcus Mortons, the father who had been Governor, and the son who was subsequently Chief Justice. The Convention was presided over by N. P. Banks.

Though it was Dana's first appearance in a deliberative body, he at once came to the front. Indeed, there was no man in the Convention who rose more rapidly or into greater prominence as a debater than did Dana. In referring, at a subsequent day, to those who had taken active part in it, Charles Sumner spoke of Dana as the man of by far the greatest legislative promise, criticising only his tendency to over-debate, due to excessive readiness and facility.

The work of the Convention was submitted for adoption by the people in the form of eight propositions. At first they seemed likely to encounter little opposition; but while still under discussion, a pamphlet appeared, purporting to come from a "Free Soiler from the Start," in which the proposed constitution was vigorously criticised and condemned. The author of this pamphlet was Dr. John G. Palfrey, the historian of New England, and ever a warm

personal and political friend of Dana's. The attack begun by Dr. Palfrey was followed up by Mr. C. F. Adams. A strong opposition also soon developed itself on the part of the Whigs, although not a majority, still the dominant party in the State, the result of which was that on the 14th of November the constitution was rejected by a majority of about 6,000 in a total popular vote of 125,000.

The chief fault found with it was the substitution of a judiciary, the members of which were appointed for a term of years, in place of the old traditional judiciary of Massachusetts appointed during good behavior; the system of representation was also open to criticism, and, indeed, was intended to perpetuate the coalition of the Free Soilers and Democrats as against the Whigs, already referred to. Both Mr. Dana and Charles Sumner, having taken an active part in preparing the instrument, felt a deep interest in its adoption. The relations of both with Dr. Palfrey and Mr. Adams were of the closest possible character, and each took his disappointment in a way characteristic of him: — while Dana good-naturedly found fault with his friends for not having acted in concert with him, giving him a chance to join them in opposing his own work; it was long before Sumner ceased to evince his sense of public and private grievance. There was, in fact, for some time after a marked coolness in his manner towards Dr. Palfrey, which only time and the advances of the latter towards a reconciliation wholly overcame.

The following is Dana's account of the closing work of the Convention, his experience and success in which he greatly enjoyed: —

May 4. *Wednesday.* This day the Convention for revising the Constitution of the State met. Last night a joint caucus of "the friends of the Convention," both Democratic and Free Soil, was held to agree on candidates and concert measures. After

agreeing on candidates it was thought best not to concert measures, lest it should seem like too much dictation.

11. *Wednesday.* The Convention has been in session all this week. I am on the committee on the Bill of Rights, Sumner being chairman. We have had a brilliant speech from Choate, and able ones from Hallett, Judges Sprague and Barker, Butler and others, on interesting questions, going quite into the metaphysics of a constitutional popular government.

19. *Thursday.* In our committee (Bill of Rights) we resolved not to attempt to re-write the instrument, and only to make necessary changes. We discussed the principle of the "Social Compact" which is set forth in it, and we found not one man who believed in it. Judge Allen and one or two more partially defended it, but evidently had not reflected upon and were not successful or earnest in their defence, while the rest of us agreed that it is a mere fiction, which served its turn against tyranny, but cannot stand examination. Still, we could not alter that without altering the entire phraseology, which might peril the Constitution before the people.

June 17. *Friday.* This afternoon, in Convention, made a speech in favor of town representation. It was purely extemporaneous, I mean as a speech. The thoughts, the line of argument, the illustrations, had been over and over in my mind, but I had made no preparation to speak. I spoke a little over an hour, and with an effect which astonished me. The congratulations were overpowering. Old Mr. Chandler, probably the oldest and said to be the wisest man in the House, came up to me with tears in his eyes,

took my hand, and said, "Sir, you do not need a compliment, but you deserve one." There was a perfect crowd about me, and all the rest of the afternoon and evening I had nothing but the warmest commendation. Choate's speech had discouraged the friends of the towns, and they were almost ready to surrender. Boutwell's excellent speech rallied them a little, but they said that mine put them into enthusiasm.

Burlingame and I walked over to Bunker Hill, and wandered about the base of the monument, talking over the events of this day nearly eighty years ago (17th June) on this spot, while the bells and guns were pealing out the day from the cities around and beneath us.

This evening attended a caucus of the majority at the Adams House. My speech was the turning-point of the discussion, and the deference with which I was treated was truly gratifying.

June 26. *Sunday.* The chief event in the review of this week is the affair between myself and Hillard.[1] . . .

I have received another honor in the Convention.

[1] Reference is here made to a passage in one of the debates of the Constitutional Convention. When the method of dividing the State into representative districts to elect members to the Legislature was under discussion, Mr. Dana objected to the equal district system, making use of the following language: —

"But even in making a government, I would not base a government upon absolute numbers. I should not think a town with 800,000, or even with 50,000 or 30,000 inhabitants ought to have so large a proportionate representation as one of the little rural towns, where every man has his property, every man has his fireside, every man has his family, with his children at school, his seat in church, and where he has so strong an interest in the soil, and where his interest is bound up in and is identical with the interest of the town and the welfare of the State. He was born a citizen of Massachusetts, he lives in that town his whole life-time, and there he expects to die and be buried.

The grand committee of thirteen is appointed to reduce the Constitution to the form of articles. I am upon it, and it consists, of course, of the leading men of all parties. This committee has referred the resolves to a sub-committee of three, Governor Boutwell, Judge Parker and myself, so that we shall be the actual writers of the new parts of the Constitution. . . .

Should a town with such a population, of a thousand men, be entitled to no greater proportionate representation than a city with its heterogeneous mass of 100,000 inhabitants? Look at Boston, for instance, with its 130,000 or 150,000 inhabitants. I have not referred to the statistics, but I shall be a good deal mistaken if there are not 60,000 or 70,000 of them foreigners."

Some days later Mr. George S. Hillard of Boston criticised this reference to Boston as follows: —

"I regret that my friend for Manchester (Mr. Dana) should have felt himself called upon to add even one jot or tittle to a sentiment towards Boston which has increased, is increasing, and ought to be diminished. I am sorry that he should have cast one stick upon a fire, out of whose heat none but vipers can come. As the bread that he and I both eat comes from the business community of Boston, from men, some of whom are rich and all of whom hope to be rich, it does not become us, like froward children, to strike at the hand that feeds us."

Mr. Hillard was the special representative in the Convention of that social element of Boston the disapproval of which, because of his political course, Dana had been made to feel. Coming from him, therefore, these expressions carried with them a possible significance of time and place, which there is reason to believe Mr. Hillard, by nature a most considerate and amiable man, did not appreciate, — they contained a reminder and implied a menace of a kind that had already more than once been heard through the press. The moment Mr. Hillard took his seat Dana claimed the floor and made a brief but pointed reply which at the time produced a deep impression. One passage in it was as follows: —

"My friend reminded me, and it is not the first time in the course of my life that I have been reminded of it, that 'the bread that he and I both eat comes from the business community of Boston, and that we should not strike at the hand that feeds us.' The hand that feeds us! The hand that feeds us! *Sir, no hand feeds me that has any right to control my opinions!*"

Friday evening I had a delightful drive with Sumner through Brookline and Cambridge, and after the drive we took tea together at Mrs. Meyer's. We talked over "poor Hillard," his early tendencies, his want of constancy and courage, and his subserviency of late years to the dictation of Mr. Ticknor and that clique. We agreed that he had been put up to this service by that class of men; and we felt obliged to come to the conclusion that what Hillard said about "the hand that fed him" was a true exponent of his nature.

After the debate, as we were going down, I met Hillard and he came forward and said he hoped there would be no interruption of social relations. In the tenderness of pity and, I hope, of magnanimity too, I said, "No, certainly not." He seemed a good deal affected, and said that he did not mean by what he said exactly what I attributed to him. I asked him what he did mean. Said he, "I mean this. I mean that if a man lives in Boston and feels about her position and action as you do, if a man disapproves of her characteristics and interest and conduct, he ought either to keep silent or leave the city." Said I, "Is that your opinion, Hillard?" He said it was. I told him that that principle would do in a club or in a society, but not in a community of equal rights. I told him that that sentiment came from persons who thought Boston was a club — their club.

July 17. I am writing up my journal, sitting at the north window of the lower room at the shore, looking out upon the woods, with beautiful floating clouds, the low, tumbling roar of the surf, and the occasional note of birds.

The last week has been noted chiefly by the debate on the Judiciary. The committee, Governor Morton chairman, reported inexpedient to make any change in the appointment or tenure of judges. Wilson moved an amendment to limit the term to ten years, they being still nominated by the governor. Dr. Hooper moved to amend that by making them elective by the people for terms of seven years. On these together came the debate.

I spoke early and under most favorable circumstances, about the middle of the forenoon, in a full house. My success was greater than I could hope. The compliments and congratulations were overpowering. Choate came down and said, "Your speech has been magnificent. It is philosophical, affecting, brilliant, logical, everything" — I stopped him and said, "Mr. Choate, this is too much. I can't bear it." "It is all true. It is such a speech as one hears once in an age." . . .

The next day Choate spoke, and in his most brilliant and winning manner. He commanded undivided attention, and held the strings of the affections and understandings of the audience entirely in his hands. It was one of the great efforts of his life, such a speech as a man may be happy to have lived to hear.

The question was taken on Hooper's amendment, and it was rejected 101 to 127. Wilson, Boutwell, Hallett, etc., voting against it, Butler, Burlingame, Hooper, Bates, Bishop, Hood, Wood, etc., in its favor, and all the Whigs against it. The question was then taken on Wilson's amendment, and to our no greater surprise than relief, after a neck-and-neck race on the ayes and noes for half an hour, it was rejected 158 to 160. The rejoicings and congratulations of

the Boston members and the conservative men generally knew no bounds, and they seemed inclined to give the whole credit of the victory to me. It is probably true that my position gave more weight to my remarks than any one else could give. . . . Notwithstanding the unremitting clamor of the Boston men, ever since the Convention was called, that we were going to destroy the Judiciary, when the question was taken, nearly twenty of them were absent. I told Crowninshield that they were down in their counting-rooms writing articles abusive of those men who were saving their lives and fortunes. . . .

If I had done nothing else in the Convention, I should have performed a valuable service in getting through the resolve respecting a registry of voters. It was my original idea, and no one else thought of it, or seemed to see the necessity or propriety of it. But I hope it may be the means of keeping the ballot pure. The resolve respecting the right to sue the State is also mine.

August 2. The Convention has now closed, and our long work ended. Before the events fade in my memory, I must set down those that occurred since my last entry.

The judiciary question was considered as settled, and many of the reformers told me they were satisfied with the result, believing it better as it was. But the newspapers made an outcry, I mean the "Post" and a few of the Democratic journals, and some began to fear that they had not done enough to meet the reform tendencies of the Democracy. Still, I think no movement would have been made, had it not been for the animosity of J. G. Abbott of Lowell, against the Supreme Court. He seemed possessed

with a bitter hostility to the bench, and vowed that he would revive the subject if no one else did. I talked with him, but it was plain that he was not open to reason. Knowlton of Worcester, who was selected to make the motion, is not a lawyer, and is a popular man with those it was most desirable to influence. The plan was this. The elective-judiciary men numbered about 125. Some twenty-five of the reform members were opposed to any change in the Judiciary. Of the remainder of the reform party, some seventy-five in number, about half were indifferent about the result, though ready to vote for a moderate change, while the other half were decidedly of opinion that some change, not involving an election of judges, should be made. The radicals would not be satisfied with a ten-year term, under executive appointment, and the moderates were not willing to sustain the elective principle. They accordingly compromised upon this plan, a seven-year term, under executive appointment, but to be confirmed by the Senate, instead of the Council. This would make the appointment more political and popular, as the Senate consists of forty members, annually elected. This plan was brought forward by Knowlton, and supported by the leading men, especially by Boutwell, in a very moderate but influential speech. I made a short speech against the Senate provision, and, I think, exhibited the inconveniences and expense of that mode of confirmation in a way that could not be answered, and gave notice of a motion to strike out the Senate and substitute the Council. When it became in order, Davis of Plymouth stole my motion, but still, as the case was a clear one, the Senate was struck out by a large majority. . . . The

next attack was on the seven-year term. I agreed with Mr. Morton, Jr., that he should make the motion to strike out seven and insert ten years. Before he could get the floor, Huntington of Northampton moved to strike out seven, and gave notice that if that succeeded he should move to insert ten. This motion failed by a small majority. Morton immediately, with a good deal of courage and tact, moved to strike out seven and insert ten, and as one motion. This was objected to, as out of order; but it was, in fact, a different motion from Mr. Huntington's, as his notice was no part of his motion, and if seven was struck out any other number might be put in its place. Morton's motion was unexpectedly carried by a bare majority. Butler sprang to the floor indignantly and moved a reconsideration, and called for the yeas and nays in a bravado manner, looking fiercely round the House, as much as saying, Now we 'll see who dares vote against the plan of the party; and during the call of the yeas and nays he was very busy in drumming up voters. Yet, all his efforts failed, and the reconsideration was lost. Thus we got back to the former motion, of ten-year term with the usual executive appointment, and the compromise was broken up. Abbott, Adams (Lowell), Butler, Burlingame, Breed and the other elective-judiciary men immediately came out against the motion as before, and for the first half of the call we thought the project was defeated, but there was a sufficient rally among the lower letters to carry it. So, the whole judiciary effort has ended in changing the life tenure to ten years; a change that gives but little gain to popular power, while it works one certain evil, it subjects each judge to the temptation or the suspicion of com-

mending himself to the executive during the last year or two of his term. The best possible thing would have been to limit the judiciary office to seventy years of age, and left the tenure as before. . . .

The chief work of preparing the new constitution fell eventually on Governor Boutwell and myself. It was referred to a committee of thirteen, and by them to a sub-committee of Boutwell, Judge Parker and myself. Judge Parker soon gave up active exertion, as he was in a minority and had numerous engagements, so no one was left but Boutwell and myself. We found that two could work better than a large number, so we did not fill up the committee, but got help when we needed it, and every day or two called together the large committee for conference. We derived our chief aid in work from Alvord, M. Morton, Jr., and Abbott, with occasional advice from Judge Allen and others. Nearly every night we were up until midnight or after, beside the hard work of the convention all day. Saturday night at eleven o'clock we found there was eight or ten hours' work to be done before we could meet the convention Monday morning, and Monday was fixed for the last day of the session. There was no escape from a Sunday of hard work, for our report must be in the printers' hands for final revision before ten o'clock at night. Accordingly I made up my mind to the work, and Sunday a little after nine A. M. went to the Adams House, and met [some of the committee] in Governor Boutwell's room. Governor B. undertook the address, I took the constitution, to compare it with the old and mark out the corresponding passages and omissions in the old, and Alvord reversed the process, marking the passages

in the new. All that was the same in each we crossed out; what was similar but not in the same form and manner we underscored; and what was omitted in the old we left untouched; what was new in the new we left untouched. In this way, by a painstaking analysis, we made sure of every word and phrase, that there could be no omission or repetition. We took separate rooms. I had Griswold for a reader, and Alvord had General Whitney. This work employed us without interruption until about five P. M., when we brought our reports together, compared them, and made the final correction and arrangement for the last proof for the printers. Griswold gave out by the middle of the afternoon. General Whitney held on until tea time, and Alvord gave up at seven or eight o'clock. Boutwell and I kept at it, without intermission, until 10.30 P. M. During the whole of the intensely hot day we did not leave our little close hotel bed-chambers from nine A. M. to 10.30 P. M., except for meals.

At 10.30 we went to the printing office and corrected proofs, and I got to bed at midnight.

Monday morning we were at our committee room before nine o'clock, and at 10.15 our report was in order, the corrected copies struck off and circulated, and the debate opened. Boutwell, as chairman, led, and took the general charge of the report, and nothing could have been better done. The entire result of the Convention was in his hands, and he showed himself abundantly capable of carrying it through. His self-possession, thorough knowledge of the subject, calmness and clearness of statement and explanation commanded the admiration of all. If there was one man in the Convention who had doubted up to

that point his leadership and his right to it, the question was put beyond a doubt that day.

The chief debate was on Choate's motion to submit the judicial tenure separately to the people. It was conducted by Choate and Lord *pro*, and Boutwell and myself *contra*. We were sustained by the entire strength of the vote of the majority, and after that there was not much contest. Still, the passing of each article and chapter in review, with questions and criticisms, required constant attention. Boutwell was thoroughly prepared at all points, and was not in a single instance taken at disadvantage. Only one error was discovered, and that was mainly matter of opinion, to wit: — whether the new requirement of citizenship in the Governor was a substitute for seven years' residence, or additional.

The whole business closed at a little after one A. M., making fourteen or fifteen hours of debate, uninterrupted except for dinner and tea, an hour each. After the final adoption of the report, Boutwell read his address, and we took up the pay-roll and passed it, and then the resolve respecting books and documents.

While the work of the Convention is fresh in my mind I will jot down my own particular labors.

In the committee on the Bill of Rights, I brought forward, drafted and carried through a provision giving to every person having a claim against the State a judicial remedy therefor. I endeavored to strike out all the theorizing about the social compact, and the origin of government in the preamble, and then substitute the simple declaration beginning "We, therefore, the people of Massachusetts." For this I obtained a majority of the members of the committee

present, but a sufficient number of absent members voted against me to turn the scale, seven to six, and I made no attempt in the Convention, with a minority report, on a theoretic question, and let it go. All but three of the committee said they disbelieved entirely in the social compact, and would not put it into a new constitution, but a majority were unwilling to disturb the old language and stir up people's minds on abstractions.

I introduced a provision making the *habeas corpus* a writ of right in all cases where the Legislature does not especially vest a discretion in the court. This failed in committee, but was carried in convention by a large majority.

The provision in Chapter 9 Article 3, requiring a list of voters in all elections, was solely mine. No one else thought of or moved in it.

The provision for future conventions, Chapter 14 Article 2, was mine.

What measures I advocated and opposed the journal of the debates will exhibit; and I think I prepared my full half of the chapters of the constitution. The Preamble of Bill of Rights, General Court (I.), Senate (II.), House of Representatives (III.), Qualifications of voters and elections (IX.), Oaths and Subscriptions (X.) and Revisions and Amendments (XIV.) I prepared, and assisted in others.

This Convention has settled the reputations of a good many men.

[Rufus] Choate has held his own. What more could he do? He has shown himself the brilliant, rich, philosophical orator, the scholar, and the kindly, adroit and interesting man. He has not commanded respect as a man of deep convictions, earnest pur-

pose and reliable judgment. But he is felt to be the greatest rhetorical genius of the day.

[Charles] Sumner has held his own as an orator. He has made two beautiful, classical, high-toned orations, commanding the admiration of all. As a debater, a worker, an influential member, he has not succeeded. He takes but little active part, and seems to have a fear of taking the floor, except on leading subjects, and after great preparation. But he is a noble, fine-hearted fellow.

[George S.] Boutwell has raised himself prodigiously. He is the only man (unless my friends flatter me extremely by making me a second) who has eminently gained by the Convention. He is the best debater in the House.

[Henry] Wilson has held his place as a manager and a contriver of expedients, and a feeler of the public pulse. He has shown himself a good-natured, well-disposed man, with no personal enmities. I think he is considered by his political opponents a more honest man than they were disposed to regard him; yet, that is still a mooted point. If any expected him to take a high place as a discusser of leading subjects, they are disappointed. He also failed in the chair as temporary president. He was clumsy and forgetful and undecided. . . .

[Whiting] Griswold did pretty well on the town question, but even that passed out of his hands, the subsequent speeches being better than his, and he was soon known to be lazy, and not a man to cope with subjects that required labor and thought. He went pretty much to the wall.

Judge [Joel] Parker disappointed everybody. He showed himself an honest man and a good dry tech-

nical lawyer, but he discussed questions of statesmanship and public policy on the narrowest precedents, and in the driest manner. He was not listened to after his first speech, except from courtesy. He did one good thing, toward the close, in exposing the terrible defects of Hallett's first plan for amending the Constitution. This was a matter of nice detail, and he did it well, yet it was only heard by those who listened attentively. The judge persevered in attention to business, and spoke often, yet his voice was so low, and his manner so dry, that he often had but some half dozen listeners.

Professor [Simon] Greenleaf seldom attended, and spoke but twice. Those speeches were short, agreeable in their manner and made rather a favorable impression. Their defect was that he did not at all throw himself into his subject, or into the hearts or minds of his hearers. He was sketchy, and did not go near the bottom of matters. Then his known indifference to the Convention deprived him of influence. In short, the two learned professors from Cambridge had less influence than the two mercantile members from the same town, [Isaac] Livermore and [John] Sargent.

[George S.] Hillard has been a melancholy failure. He is the only man who goes out of the Convention with a stigma to his name. However much he may have meant by it, certain it is that he can never get over the "hand that feeds us," and his two subsequent speeches have shown an ill nature and bad judgment which must always put him low in the estimations of men. His manner, too, is that incorrigible school-boy manner of recitation. It is not debate, nor address, it is a speech spoken at a mark.

[Anson] Burlingame made two declamatory speeches, full of warmth, glow, animation, high-sounding, sympathetic words, telling personal appeals and attacks, but without substance or form, or any value whatever to a thinking man. He has taken no part beyond these speeches, which were let off at random, and must be considered as having failed in everything but a stirring, wide-awake, stump orator style. He is a warm-hearted, full-blooded fellow, and everybody likes him and regrets that he will not think or study.

[B. F.] Butler has behaved quite as well, perhaps, on the whole, a little better than was expected of him. He has not been ill-mannered except to men who have fought him in his own way, or men against whom he has an old hostility. He has shown great power of will, strength of mind and industry. Yet he is, as Boutwell says, rather a cavalry officer than a military leader, rather a case fighter than a jurist.

[Josiah G.] Abbott has shown talents of a considerable order, but he is the victim too much of his personal feelings, and has always been in the habit of treating questions superficially, for temporary effect, in a narrow circle, and has not enlarged his mind. . . .

[F. B.] Crowninshield spoke, and not without effect, but he rather disappointed people in two respects. He was superficial, not having prepared himself carefully, or thought deeply, and he showed a good deal of party spirit. Yet all think him an honorable man, and a man of good judgment and kind feelings. He talks better than he speaks, and his feelings are kinder than his expressions in debate.

[Otis C.] Lord has shown marked ability, and is a

formidable debater; but he is little if at all above Butler in manners and taste, and has a great lack of judgment. Perhaps his position in a hopeless minority encouraged his naturally reckless and desperate temper. . . .

Governor [George N.] Briggs has been as much the leader of the Whigs as any one, and always commands attention. His manner is of a kind to gain hearers, having an appearance of simple good humor and good sense, without oratory, which tells well on a mixed audience. Then he is considered an honest man, and is a Baptist deacon, a temperance lecturer, etc. Yet there is a little of palaver about him, and the Convention doubted whether he was quite so ignorant of party as he affected to be. He is indolent, and does not bring to bear the power of mind he actually possesses, nor make any research. He is sometimes, too, clumsy. . . .

[Sidney] Bartlett, of Boston, has always spoken well. He is short, pithy, clear, and his manner is courteous, and he is known to be free from personal animosities. On the whole, Bartlett, who is an unpopular man in the city, has made a favorable impression on the members of the Convention, particularly upon his opponents. He has not taken a prominent part, but comes in occasionally toward the close and fills up gaps.

November 20. The people, at the election on Monday November 14, rejected the new Constitution by a majority of 5,000 votes. Three causes conspired to produce this result. The Irish vote was all thrown against it, under the lead of their priests and papers, on account of the clause respecting sectarian schools, and because it gave political power to

the rural districts. The innovation on the Judiciary brought out Dr. Palfrey, C. F. Adams and Mr. Hoar against it, who lead off a large number of moderate Free Soilers and of men not partisans ; and the interference of the Executive, through General Cushing's letter, against the coalition, frightened away or cooled down many of the Democrats. On the whole, I do not find it easy to determine whether I am most pleased or disappointed with the result. I cannot be too thankful for the preservation of the Judiciary. If the Whigs act in good faith, and with common discretion, and give us the reforms for which the Convention was called, through the Legislature, the question of constitutional reform can be put at rest for twenty years, and the Judiciary be saved. If they do not, and a storm is raised, there will not be a stick left standing.

1854. *January.* Sunday evening, called at Longfellow's, where were Tom Appleton and George W. Curtis (the Howadji), and had a very pleasant hour. Curtis is quite clever in conversation, but Tom is the prince of rattlers. He is quick to astonishment, and has humor and thought and shrewd sense behind a brilliant fence of light works.

With the opening of Congress in the winter of 1853–4, Stephen A. Douglas of Illinois brought forward his famous Kansas-Nebraska Bill, effecting a repeal of the Missouri compromise ; and in an instant as the slavery agitation sprang into new life the Compromise of 1850 vanished into air. A period of intense political excitement ensued, which culminated in the election of Lincoln six years later. The following passages from the diary and letters relate to Dana's participation in the first stages of this great debate which was to educate the country up to the mark of emancipation through war.

February 9. The Nebraska question is now the great question before the country. I wrote a short letter to the New York meeting, which was published. A Free Soil convention is now called in Boston. But the tone of the North is so lowered on the slave question that it cannot be brought back. The Whig party has lost its tone, the Democratic party never had any, and the Free Soil party has been lowered by the coalitions and managements of [Henry] Wilson and others, until it has lost or essentially impaired its power of doing good. The committee of the Free Soil party, under the belittling influence of [F. W.] Bird and Wilson, issued a call for a Nebraska convention, containing such allusions to the defeat of the late constitution as to exclude from it Dr. Palfrey and Mr. Adams. If they accept it as an exclusion, I shall not attend myself. Our convention can do no good, and may do harm; but by attending it under such circumstances I shall be giving my sanction to the exclusion.

Boston, *February* 12, 1854. Sunday evening.

John Jay, Esq., New York:

My dear Friend, — Your letter came while I was away attending court, and I am rather late in replying to it.

To Massachusetts belongeth nothing but shame and confusion of face. The Whig party has been so thoroughly toned down on the subject of slavery by the efforts of 1850, 1851 and 1852, that its tone cannot be recovered for years, if at all. The Democratic party of Massachusetts was always a mean party, and has no tone to lose. The Free Soil party started gloriously here in 1848, but by reason of its coali-

tions for state purposes and offices it has fallen under the management of inferior men, has lost public confidence, and is not fit to do the great task before it with success.

All the Whigs express disapproval of the Nebraska bill, but take no action. The Democrats differ and are paralyzed by the Executive. The state committee of our party, without consultation, called a party convention, without making any effort for a general meeting. It is now too late, they say, to alter it. Not only so, but they called it in such a way as to render it doubtful whether those gentlemen who opposed the constitution can attend, Dr. Palfrey, Mr. Adams and others. This is a specimen of the littleness of the managers. If the proscribed men do not attend, I think I shall not. A meeting so called can have no effect. Indeed, a meeting of our party alone is, in my opinion, of little use and of doubtful policy.

I shall do what I can towards a general meeting, but I have little hope of it. The Whigs will put the opposition on the ground of sustaining both compromises, and I doubt if we could unite with them consistently.

The election of Fessenden for Maine is a good omen.

I told Mr. Adams of your plan of a new meeting to declare compromises at an end, and to take up the gauntlet. He approves of it. If it means a war between pro-slavery and anti-slavery in the states, I am not in favor of it. For I am not, in the technical sense, an abolitionist. But if it means war against the extension of slavery into new territory, the admission of new slave states, and the increase of the slave-power in the government, I have always been

ready for it and in it. It looks to me as if our republic was now a slave-holding and slavery propagating and defending institution. All our powers are needed to meet this issue. I could not, either on policy or principle, go beyond it.

At present I fear we can have no effectual vent here for opinion. This depresses and mortifies us in the extreme. I have some hope of a proper expression, but not much.

February 19. *Sunday.* The chief event to me of the past week is my correspondence with the Committee of the Free Soil party, relative to the convention at Faneuil Hall.

Boston, *February* 14, 1854.

S. G. Howe and others,

Committee:

Gentlemen, — It is some days since I received your invitation to address the convention on the 17th inst. I have delayed my answer from an unwillingness to come to the conclusion to which I have at last felt myself compelled.

The question before us involves the destiny of states, and affects the cause of free principles in our country for ages. It is one which requires a united North, and the sinking for the time, if possible, of all party and local differences. I know that the tone of Massachusetts has been so lowered by the efforts of 1850, 1851 and 1852, that it cannot easily be recovered, but I cannot believe that all hope of public demonstrations of a general character is to be abandoned. These are the only demonstrations that can have much effect upon the action of Congress; and while these are possible, exclusive demonstrations by

the Free Soil party seem to me in the present temper of the public mind to be injudicious. If this be so, what shall be said of demonstrations from which some of the most useful and distinguished even of that party are excluded. You are aware that I refer to the language of the address by the state committee and other events of a significant character, some more and some less public, preceding, accompanying and following it. By these causes certain gentlemen, who have done at least as much as any to create and keep in influence and dignity the Free Soil party feel themselves, and I think properly, excluded. Had this been an accidental, transitory or personal matter, it should have been passed over at such a time, at least by others. But all know that it is part of a system, adopted and avowed, having relations before and after. It becomes, then, a matter of importance to each man and to the party.

When I held a seat in the Constitutional Convention, I felt at liberty to vote against my party whenever duty to the great interests at stake seemed to me to require it. When the Constitution was proposed, I spoke and voted against some of its propositions, and felt myself at liberty to oppose it as a whole, without forfeiting my place in the Free Soil party. Some of your number will recollect that we agreed at last in its support, with some doubt and on a balance of reasons. I cannot, therefore, in any manner, in justice to gentlemen whose balance of reasons turned the other way, or in duty to the great cause in which we are engaged, countenance, or involve myself in the support of such a system. If persevered in, it will destroy what remains of means of usefulness our party possesses. I know that many who feel as I do

on this point will consider it their duty to take part in the meeting notwithstanding. As I shall respect their conclusions, I hope they will respect mine, and that this will be the last time that a narrow policy of some shall be able to keep us from joint action on so great and wide a question. So far as its effect on the Nebraska law is concerned, I sincerely hope the meeting may be successful and glorious.

Lest my declining to attend should be attributed to lukewarmness, I wish you would do me the justice to make public this letter.

As to the Nebraska question, two considerations I should like very much to present to our friends. First, let us take care not to be involved in the support of the legislative compromises. Far better would it be for the cause of freedom that the Missouri Compromise should be repealed, and a new battle be fought at the organization of each territory, than that we should be induced to sustain the Compromise of 1850. It is reason enough for us that the present bill seeks to remove a restriction on slavery of thirty-four years' standing. If others have additional reasons for opposing it, founded on compromises, we rejoice that even so the resistance is insured, but let us be careful of our own position and language.

Second, let us look back and see how steady has been the advance of slavery and the retreat of freedom for the last half century. In 1786 all the territories were made free. In 1820 the new territories could not be made free, but were divided between freedom and slavery, with every advantage to the latter. In 1844 Texas was brought in with slavery, and in 1850 the whole of the remaining territory was

left open to slavery. In 1848 the presidential campaign could not be conducted in the North on either side, except with Free Soil professions. In 1852 it could not be conducted except by renouncing them. The sliding scale that measures our declining has been applied to us nearly as regularly as the national census is taken, but now they say to us, bow down that we may go over! But the most humiliating part of the whole is that we feel the North deserves it — that she has brought it upon herself. A long course of subserviency, for political purposes in some and for economical advantages with the greater bodies, has brought us into a condition in which the advocates of slavery venture to deride our once professed principles, those in which we are bred, and on which our institutions are founded.

The hope is that they have at last gone a step too far, that the cup has at length run over, and that the retroaction so long looked for and promised has begun, that the dim eclipse that has hung over our half of the system is passing off, that the long progress into the aphelion, so long and so dark that it seemed hopeless of aid, has at length, spent its momentum, and that we are even now returning to the light and warmth of the sun.

February 19. The chief event of the week has been the anti-Nebraska meeting at Faneuil Hall, called under the auspices of the Whigs, and chiefly the Webster Whigs — the 1850 men. The true report is not to be found in the papers. All men agree that the audience were far ahead of the speakers. All attempts to get up applause for the measures and men of 1850 failed, and even Webster's great name

fell dead, while every sentiment hostile to the Compromise measures of 1850, and everything of a Free Soil character, went off with rapturous applause. The first thing that brought down the house was Winthrop's saying that he opposed the measures of 1850. The venerable Mr. Quincy, the oldest member of Congress living, the oldest mayor of Boston, a Whig, too, was not invited. But he came and was enthusiastically called out by the audience, and received with frantic applause. He spoke in his best manner, the thorough, independent, manly character shining out through every word. He told an anecdote of Randolph. He said to R., "If you push these measures much farther, you will produce Union at the North." "Union at the North! Union at the North! We can count on you Democrats as surely as on our own niggers."

The Compromise men feel themselves sold. It comes hard to them to use the Free Soil arguments and vocabulary so soon, and to be a standing evidence of the truth of those who opposed them.

March 1. We have begun the Federal Street Church case; but there are to be no arguments, as Judge Bigelow only intends to make up a report for the full bench. Choate, J. C. Adams and myself for the relators, and Bartlett and Hillard for the respondents.

Choate has been doing more work at the bar since last October than any man at our bar ever did before in the same time. Indeed, I doubt if there are many men living who could have done so much, and all of the highest character. Did any one ever know Choate to lose his temper? I never did, and have never found a person who did.

27. *Monday.* Choate having been confined to his house for several days, I called to see him. I found him lying on his sofa and in low spirits. He rallied, and we got into general conversation. It turned to the sea, and we spoke a good deal about seamen. Born on the sea-coast of Essex, a boy in the war of 1812–14, brought up amongst sailors and fishermen, and the stories and legends of our naval actions, privateers and the Dartmoor prison, he has almost been an enthusiast in our naval history and glories. I found him better informed than I was on the details of our naval actions, although I have, naturally enough, made them a study. He had seen, as a boy, from the Essex hills, the Shannon frigate in Ipswich Bay. He described beautifully the great frigate, lounging about the bay of a warm summer afternoon, and standing off to sea at night, proudly scorning the fleet of fishing boats about her. He had seen, too, the funeral of Ludlow and Lawrence, at Salem, when George Crowninshield brought up their bodies from Halifax in a cartel, and Judge Story delivered the eulogy. He said he never got over the effect upon his imagination of the procession of sailors and officers who had seen fight, who had been in action, and some of the great naval names heading them.

He said he had talked with Morris and Hull about the action of the Constitution and Guerriere. He asked Hull if he felt certain of taking her, when he bore down. "By no means," said Hull. "Two thirds of my men were foreigners, and more than half of them Britons. When the Guerriere ran up the British ensign and lay-to to receive us, I suffered a few moments of agony which no tongue can express. I expected to see the Englishmen all come

aft and demand to be released from duty. I thought over what I should do, — whether to shoot down the first man, — when the three cheers came up from below, and then all was right, and I had not a fear or doubt from that moment."

Morris told him that the written instructions from the Secretary of the Navy, Paul Hamilton, were not to fight without a moral certainty of victory. When they made out the strange sail to be a royal frigate, as they thought of equal size, he and Hull conferred together aside, whether it was within the letter of their instructions to engage. They decided that they never should know whether they could whip her until they tried, and put the instructions below.

From the Constitution and Guerriere we passed to other actions, and I was astonished by the accuracy of his knowledge and recollection. I thought it was the fleet that chased the Constitution into Marblehead. No, it was the Shannon and Tenedos, and he was mortified that he could not remember who commanded the Tenedos. It was the fleet that chased her when Hull and Morris got her off by kedging. I told him that the engagement between the Hornet and Peacock was in a heavy sea, and reef-topsail breeze, guns half under, but he said it was in shoal water and calm weather. I am not sure he is right about that.

As we parted he expressed his gratification at my visit. He spoke of his health, and said, "I have worked too hard this winter, harder than I ever did before."

"You have worked harder than any man ever did before," said I.

"I have to do it to drown sorrow," said he, "as some men take to drink or gaming."

This is, no doubt, true. The sad illness of his favorite daughter put him into such a state that he seemed to have no other alternative than incessant, absorbing labor or despair.

CHAPTER XIV.

THE RENDITION OF ANTHONY BURNS.

SHORTLY after six o'clock on the evening of the 24th of May, 1854, a negro named Anthony Burns was arrested by a deputy United States marshal near the corner of Brattle and Court streets, in the city of Boston, upon the charge of breaking into and robbing a jewelry store. The moment the arrest was made a gang of some six or seven men, who had been lurking in the immediate vicinity, rushed to the assistance of the officer, Butman by name. Surrounding the prisoner, they lifted him up bodily, and, avoiding the sidewalk, carried him rapidly down the middle of the street to the court-house, but a few rods distant, at the entrance of which stood the United States marshal with a drawn sword in his hand, evidently awaiting their coming. Without pausing, or even allowing the prisoner's feet to touch the ground, Burns was hurried up several flights of stairs to the jury room of the United States court, at the top of the building.

A few minutes later the door opened, and the marshal — Watson Freeman — entered the room, accompanied by two men, — the one, Charles T. Suttle, the other, William Brent, both Virginians; the former being the claimant of Burns.

Stepping towards the prisoner, Colonel Suttle, taking off his hat with mock politeness, made a low bow, and said: "How do you do, *Mr.* Burns?" adding, "Why did you run away from me?"

Burns answered, "I fell asleep on board of the vessel where I worked, and before I woke up she set sail and carried me off."

"Have n't I always treated you well, Tony?"

To this question Burns made no answer.

"Have n't I always given you money when you needed it?"

Burns replied: "You have always given me twelve and a half cents once a year."

It subsequently appeared that Anthony Burns, the man thus arrested, had been born in Stafford County, Virginia, about the year 1830. His mother was a slave, owned by John Suttle, the father of the man who now laid claim to him. Burns was a negro of more than usual intelligence, and had taught himself not only to read, but also, after a fashion, to write, so that for a time he even kept a sort of school. He was well treated by his owner, who trusted him to let himself as well as other slaves out for hire. In this way he got into the employ of one Millspaugh, and found work on vessels lying at the wharves in Richmond. Having long had a design of effecting his escape from slavery, early in February, 1852, he stole on board a vessel at one of the Richmond wharves, and there concealing himself soon fell asleep. When he awoke the vessel was well down the river, and at the end of two days reached Norfolk, where she lay for a short time, and then started for Boston. Only one member of the crew knew that Burns was on board, and by him he was supplied in secret with enough bread and water to sustain life; but he did not leave his narrow place of concealment during the entire voyage, which lasted three weeks and was rough and tempestuous. The weather, moreover, as the vessel went north, became so cold that the unfortunate fugitive barely escaped freezing to death. At last, either late in February or early in March, the vessel made fast to the wharf at Boston, and Burns took the first opportunity of slipping unobserved on shore. Here he was soon provided for, and presently found employment in a clothing store on Brattle Street belonging to one Coffin Pitts. He was there earning his living at the time of his arrest.

Since the rendition of Sims, three years before, a great change had come over the political feeling of Massachusetts. Mr. Webster was in his grave, and the compromise measures of 1850, to the adoption of which the last years of his life had been sacrificed, were buried with him, — already a confessed and utter failure. The debate over the Kansas-Nebraska Bill had revived and intensified the anti-slavery agitation, rending in pieces the two great parties, one of which was already on the verge of dissolution. In Massachusetts the Whigs still kept up an appearance of strength; but it was an appearance only, for a few short months later their organization almost disappeared in a moment, swept away in the vortex of Know-Nothingism. From the election of November, 1855, it ceased to be a power which had to be taken into account in the politics of Massachusetts. Charles Sumner was in his third year of senatorial life, and Edward Everett had recently been associated with him as a Whig colleague. In Boston conservative traditions still held sway. The force of business and political habit was potent. The same talk of devotion to the Union and fidelity to the Constitution was current, but beneath and behind it were heard ominous mutterings against the arrogance and aggressions of the slave-holding South.

Accordingly the announcement that another fugitive slave had been kidnapped, and kidnapped within sight of Faneuil Hall, came like a lurid flash of lightning from amid these gathering clouds of a lowering political sky. There was also an audacity as well as a brutality about all the proceedings which sent a thrill of anger and disgust through the State. So long a time had passed since the rendition of Sims that a sense of security had come to be generally felt; the supremacy of the law had then been vindicated, but it had also been made apparent that slave-hunting in Massachusetts was a dangerous as well as a costly occupation. Any further experience of the sort was therefore looked upon by all classes of the community as

most improbable, when suddenly they were confronted with it.

The warrant for the arrest of the fugitive had in this case been issued by Edward G. Loring, one of the commissioners of the United States court, but also the judge of probate for the county of Suffolk, and as such one of the Massachusetts judiciary. Anthony Burns was the last fugitive slave ever seized, or, in all human probability, ever to be seized on the soil of Massachusetts, and every incident connected with his trial and condition has a lasting historical interest. Dana's contemporaneous record of his part in it was as follows: —

May 25. *Thursday.* This morning, at a little before nine o'clock, as I was going past the court-house, a gentleman told me that there was a fugitive slave in custody in the United States court-room. I went up immediately, and saw a negro, sitting in the usual place for prisoners, guarded by a large corps of officers. He is a piteous object, rather weak in mind and body, with a large scar on his cheek, which looks much like a brand, a broken hand from which a large piece of bone projects, and another scar on his other hand. He seemed completely cowed and dispirited. I offered to act as his counsel. He said, "It is of no use. They will swear to me and get me back; and if they do, I shall fare worse if I resist." I told him there might be some flaw in the papers, or some mistake, and that he might get off. The officers told him he had better have counsel, as it would cost him nothing and could do him no harm. He seemed entirely helpless, and could not say what he wished to do; but the great thing on his mind seemed to be the fear that any delay and expense he caused his master would be visited upon him when

he got back, and that his best policy was to conciliate his master as best he could. I would not press a defence upon him under these circumstances, but felt it my duty to address the court and ask for a delay. I did this upon the ground that from all I could observe myself and from what I had heard from others, it was plain that he was in no condition to determine whether he would have counsel or not, and that no court would proceed to a trial and condemnation under such circumstances. The counsel for the claimant, a Mr. Edward Griffin Parker, objected to the delay in bad taste and bad judgment. The commissioner, Edward G. Loring, at my private suggestion, called the prisoner to him and told him what his rights were, and asked him if he wished for time to consider what he would do. The man made no reply and looked round bewildered, like a child. Judge Loring again put the question to him in a kind manner, and asked him if he would like to have a day or two and then see him there again. To this he replied faintly, "I would." The judge then ordered a delay until Saturday.

The conduct of Judge Loring has been considerate and humane. If a man is willing to execute the law, and be an instrument of sending back a man into slavery under such a law, he could not act better in his office than Judge Loring. He professes to detest the law, but he will follow the rigid construction the courts have put upon it as matter of duty.

The claimant, Colonel Suttle of Richmond or Alexandria, Va., was present, and sat in full sight of the poor negro all the time. I could not get over a feeling that he had seen cruel usage. His scars, his timid and cowed look, his running away, all seemed to indicate it.

Before the motion was passed upon, Freeman, the marshal, went up to Judge Loring and whispered, to which the judge replied, "No. He must have a necessary time." Freeman whispered again, and the judge replied, rather sharply, "No, sir. I shall give him all reasonable delays."

May 26. *Friday.* As the negro was uncertain whether to make a defence or to have counsel at all, I felt that it was improper for me to obtrude myself upon him. If any were to advise, it should be others than a lawyer who had once offered to act. At my suggestion, Rev. Mr. Grimes and Deacon Pitts (the clergyman and deacon of the congregation of colored people) and Wendell Phillips asked leave of the marshal to see him. This was refused. They asked him if it would be of any use to obtain an order from Judge Loring to admit them. He said it would not. They then returned to me. I told them at least to compel Mr. Freeman to refuse it, and wrote a note to Judge Loring (who was at Cambridge, lecturing at the Law School), stating to him that I scarcely felt at liberty to act as counsel for the man and was unwilling to obtrude myself upon him, and that the proper persons to see him and ascertain his wishes had been refused admission. To this Judge Loring responded in a note to Freeman, telling him that it was the man's right to see a few friends, and that if any reasonable number, two or three, wished to see him, their names must be taken to him, and their purpose stated to him, and if he desired to see them, they must be admitted.

To this order Freeman yielded, and Phillips, Mr. Grimes and Deacon Pitts were admitted. Phillips reported to me that he was a much more intelligent

and resolute man than they supposed him to be, that he could read and write, and only needed a little encouragement to be brought out. He denied entirely having said he was willing to go back, and said he knew he should be sold to the New Orleans market, as soon as his master got him. He gave them a power of attorney to act for him, and desired counsel and defence.

They, as his attorneys, engaged me, and I engaged Mr. Ellis to aid me.

Our first step was to apply to Judge Sprague to appoint a person to serve a writ *de homine replegiando* on Freeman in behalf of the negro. The law was looked up and the papers prepared by Judge Russell and Mr. Sewall, and the petition presented by them and myself. We put it upon the ground that the writ was an ancient common law writ, to enforce a common law right, and showed him a form of writ established by statute in Massachusetts before the passage of the Judiciary Act of 1789.

To this Judge Sprague replied that it was not a writ known to the United States courts, one never issued to his knowledge by those courts, and, as he understood it, not issuable at the common law when the party was held under legal process. We replied that it did not appear in the writ that he was held under legal process, and that it was, on the face of the proceedings, a writ of right. But the judge refused the writ, after stating many other reasons, on the ground of its not being a writ known to that court. He added that if the writ was issued it would contain the clause that it was not to be served if the party was held by legal process and could do no good.

I had not sufficiently examined the subject to give an opinion, but it rather seemed to me that we were entitled to the writ *valeat quantum.*

After this decision, at about six o'clock P. M. I went up to see the fugitive. He was confined in a small room, in the third story, west end of the court-house, with some six or eight men in the room with him. The men were of the rough, thief-catching order, and were smoking and playing cards. I withdrew to a window and talked quietly with the man. He appeared a very different man from what he was the day before. He seemed self-possessed, intelligent, and with considerable force both of mind and body. His hand had been broken in a saw-mill, he told me, and his face was scarred by a burn. He said that he had not lived with his master since he was seven years old, but had always been hired out by him. That his master had offered him for sale, and he knew very well that if he was delivered up he would never see Alexandria again, but would be taken to the first block and sold for the New Orleans market. He said that there he might be put to some new work he was not accustomed to, and be badly treated for not doing it well. He was in fear of his master, who, he said, was a malicious man if he was crossed.

To-night a great meeting is to be held at Faneuil Hall. There is a strong feeling in favor of a rescue, and some of the abolitionists talk quite freely about it. But the most remarkable exhibition is from the Whigs, the Hunker Whigs, the Compromise men of 1850. Men who would not speak to me in 1850 and 1851, and who enrolled themselves as special policemen in the Sims affair, stop me in the street and talk

treason. This is all owing to the Nebraska bill. I cannot respect their feeling at all, except as a return to sanity. The Webster delusion is passing off.

Amos A. Lawrence called to offer any amount of retainer to enable me to employ some eminent Whig counsel. He said he was authorized to do this by a number of active 1850 men, who were determined it should be known that it was not the Free Soilers only who were in favor of the liberation of the slaves, but the conservative, compromise men.

In this suggestion I called on Judge Fletcher and Mr. Choate. Judge Fletcher said that his sympathies were with us, and if there should be a rescue, he would not lift a finger to prevent it, but that he was under an especial engagement with the Reporter which did not leave him an option as to his time.

Choate I had an amusing interview with. I asked him to make one effort in favor of freedom, and told him that the 1850 delusion was dispelled, and all men were coming round, the Board of Brokers and Board of Aldermen were talking treason, and that he must come and act. He said he should be glad to make an effort on our side, but that he had given written opinions against us in the Sims case on every point, and that he could not go against them.

"You corrupted your mind in 1850."

"Yes. Filed my mind."

"I wish you would file it in court, for our benefit."

Mr. Charles G. Loring was out of town, and there was no one else that I thought would answer Mr. Lawrence's description.

May 27. *Saturday.* Last night an attempt was made to rescue the slave. It was conducted by a few and failed for want of numbers, the greater

part being opposed to an action then. They broke in a door of the court-house and a few of them entered, but they were not supported. They killed one man, a truckman named Batchelder, who has volunteered three times to assist in catching and keeping slaves, and the officers retreated. But the men who entered were at first driven back, and the crowd thought themselves repulsed and retreated also. The men who went in first were wounded, and on being driven out, they found that the crowd outside had deserted them. The leader of this mob, I am surprised to hear, in secrecy, was Rev. T. W. Higginson of Worcester. I knew his ardor and courage, but I hardly expected a married man, a clergyman, and a man of education to lead the mob. But Theodore Parker offered to lead a mob to the rescue of Sims, if one hundred men could be got to enroll themselves, but they could not get thirty.

Robert Carter tells me that Dr. Samuel G. Howe offered to lead a mob of two hundred to storm the court-house, and that it would probably have been done had not Higginson's attempt led the marshal to call out the military.

Immediately after this mob, the marshal sent for a company of United States marines from Charlestown, and a company of artillery from Fort Independence. The mayor, too, ordered out two or three companies of volunteer militia to keep the peace, but not to aid in the return of the slave.

The hearing began at ten o'clock. The court-house was filled with hireling soldiers of the standing army of the United States, nearly all of whom are foreigners. The lazy hounds were lounging all day out of the windows, and hanging over the stairs,

but ready to shoot down good men at a word of command. Some difficulties occurred between them and the citizens, but nothing very serious.

Mr. Ellis moved for a delay until Monday, and made a few remarks in support of the motion. E. G. Parker and S. J. Thomas followed, opposing it. Their worst enemy could not have marked out for them a worse course of remark than they followed. They seemed to be playing into my hands all the while, saying the very things that I wished them to say. Then the timid manner of Parker, who seemed ashamed of what he was doing, and the petty, mean voice and manner of Thomas were the best foils I could have desired. I made a full reply, and never spoke more to my satisfaction in my life. I am quite mistaken if the general sentiment of the house was not with me, though it was packed with the creatures of Freeman. They all felt ashamed of the appearance of their counsel. The commissioner granted the adjournment.

In the evening I telegraphed to Attorney General Clifford, offering him a retainer, but he replied [declining because of] a professional engagement at Springfield.

This evening I met Rev. Mr. Grimes and Mr. Williams (Glidden & W.) collecting a subscription to buy the man's freedom. They had then obtained a subscription to the amount of $700. The price asked was $1,200.

The slave told me that his life had been insured at $800, when he was in Richmond, from which he supposed he was valued at about $1,000. It was a new language to hear a man estimating his own value by the rate at which his owners insured him.

The trial of the Burns case occupied all day of Monday, Tuesday and Wednesday, 29th, 30th and 31st of May. Each day the court-room was filled with the United States marshal's "guard" as he called them, a gang of about one hundred and twenty men, the lowest villains in the community, keepers of brothels, bullies, blacklegs, convicts, prize-fighters, etc. Mr. Andrews, the ex-jailer, says that he finds forty-five men among them who have been under his charge at various times. Among them is Louis Clark, a Portuguese, who keeps a famous brothel and has been engaged in several desperate fights, Albert J. Tyrrell, the murderer, a man who robbed Currier & Grott's jewelry shop, etc. These are all armed with revolvers and other weapons and occupy the rows of seats behind the bar and the jury seats. A corps of marines from the navy yard, about sixty in number, commanded by Major Dulany and two companies of United States Artillery, about one hundred and twenty men, commanded by Ridgely, occupy the court-house and guard all the passages with loaded guns and fixed bayonets. To reach the court-room one has to pass two or three cordons of police, and two of soldiers. Personally I have been well treated, and all whom I desire to have admitted have been admitted; but there has been a great deal of rudeness and violence to others. In one instance a sergeant or corporal, in command of a guard at the foot of the stairs, ordered his men to charge. They did so in good earnest and drove the people down the entry, and it seemed to me, who had just passed them, a wonder that some were not run through. I saw plainly that the sergeant was drunk, and called to me young Dunbar, a very civil fellow who had charge

of the entry under Freeman, and pointed the man out to him. He acknowledged that the man was drunk, and apologized for it, saying that he had just come upon the post, and immediately reported the fact to the officer of the day. There were frequent instances of men prohibited from going into the courts of the state, and no one was permitted to enter the court-house, judges, jurors, witnesses or litigants, without satisfying the hirelings of the United States marshal that they had a right to be there. All this time there were, or attempted to be, in session in the building, the Supreme and Common Pleas Courts of Massachusetts, and the Justices' and Police Courts of Boston. In most cases these courts adjourned for want of business. Thus the judiciary of Massachusetts has been a second time put under the feet of the lowest tribunal of the federal judiciary in a proceeding under the Fugitive Slave Law. Judge Shaw, who held the Supreme Judicial Court, is a man of no courage or pride, and Judge Bishop, who held the Court of Common Pleas is a mere party tool, and a bag of wind at that. It was the clear duty of the court to summon before it the United States marshal to show cause why he should not be committed for contempt, and to commit him, if it required all the bayonets in Massachusetts to do it, unless he allowed free passage to all persons who desired to come into either of the courts of the State.

Beside the general "guard" which the marshal had to keep his prisoner, there was a special guard of Southern men, some of them law students from Cambridge, who sat round Colonel Suttle and went in and out with him.

If the claimant's counsel had merely put in his

record and introduced evidence to prove that the prisoner was the person named in the record, we should have had no defence except the constitutional objections, which, of course, Judge Loring would overrule, and my two points of objection to the admissibility of the record, 1st, that it was a mere recital that there was a record and not a record itself and 2d, that it did not contain a sufficient description of the men ; for, by this cruel statute, if the record is admitted it is conclusive as to every fact but that of identity. But they set out to prove the facts of slavery and escape also by parol, by the evidence of one Brent. Brent's testimony showed that at the time of the alleged escape Burns was regularly leased to one Millspaugh, and was under his control, and even that Colonel Suttle's reversionary interest was mortgaged. His testimony also showed, to the satisfaction of the commissioner (as I learn privately) and of all lawyers, that there had been no escape. If, therefore, the record was not admissible, and the case had stood on the oral proof, they would have failed to prove the right of Suttle to the possession, and the fact of escape. This raised the serious question whether the record was sufficiently in form to be received, and whether it could be conclusive against evidence put in by the claimant himself. I also made the point that by offering parol proof of title and escape, the claimant must be considered as proceeding under the sixth section of the act, and not under the tenth. In moving an escape by parol they proved that Burns was in Richmond on the 20th March. We introduced strong and clear evidence that he was here on the 1st March and so on to this time. This gave us a point on the identification.

My argument was on Wednesday and lasted four hours. I spoke entirely to my own satisfaction. My friends say it is the best speech I ever made. Even the "guard" were somewhat affected by it, and many of them said they wished the man would get off.

Judge Loring paid great attention to all that related to the identity, but took no notes of my points as to the record, the escape and the title. This puzzled me a good deal. . . .

June 1. *Thursday.* I spent all day at home writing out my argument for the newspapers. My whole brief was on the sides of a piece of small note-paper, and consequently I was obliged to write from recollection.

2. *Friday.* This was a day of intense excitement and deep feeling in the city, in the State and throughout New England, and indeed a great part of the Union. The hearts of millions of persons were beating high with hope, or indignation, or doubt. The mayor of Boston, who is a poor shoat, a physician of a timid, conceited, scatter-brain character, raised by accident to a mayoralty, has vacillated about for several days, and at last has done what a weak man almost always does, he has gone too far. He has ordered out the entire military force of the city, from 1,500 to 1,800 men, and undertaken to place full discretionary power in the hands of General Edmunds. These troops and the three companies of regulars fill the streets and squares from the court-house to the end of the wharf, where the revenue cutter lies, in which it is understood that Burns, if remanded, will be taken to Virginia.

The commissioner entered the court-room punc-

tually at nine o'clock. I went to the marshal and asked him if he knew what the decision was to be. He said he did not. I told him that if the decision was in favor of the prisoner, I proposed to give him my arm and conduct him through the guards and soldiers into the street. Freeman replied that he would prefer to clear the square first, and assured me that if the man was discharged he should serve no other precept upon him.

The decision was short. It took no notice of the objections to the admissibility or effect of the record, but simply declared it to be conclusive as to title and escape, and said that the only point before him was that of identity. On this, upon the evidence of witnesses, there was so much doubt that he could not decide the question, and would be obliged to discharge the prisoner. In this dilemma, he resorted to the testimony of Brent as to the admissions made by the prisoner to Colonel Suttle on the night of his arrest, which he considered as establishing the identity beyond a reasonable doubt, and on these admissions he was convicted. Convicted on an *ex parte* record, against the actual evidence, and on his own admissions made at the moment of arrest to his alleged master! A tyrannical statute and a weak judge!

The decision was a grievous disappointment to us all, and chiefly to the poor prisoner. He looked the image of despair.

The court-room was ordered to be cleared at once of all but the prisoner and the "guard." I remained with the prisoner, and so did Mr. Grimes, the preacher. We remained in the court-room a full hour, in company with the prisoner, and this horrible pack, the "guard." Mr. Grimes talked constantly

with the prisoner, and kept up his spirits as he best could. He told him he thought that it was only a point of honor with the Government and the slaveholders to take him to Virginia, and that he would be bought as soon as he arrived there. This cheered him. He expressed some fear lest he should be forgotten, and said that if sold, with his weakened right hand, he would be sold "down the river," and being put to some new work, to which he was unaccustomed, would be ill-treated. This was what induced him to run away. Suttle offered him for sale, but got no bidder on account of the state of his hand. Suttle was afraid he might become useless and be left on his hands, and Burns knew he would be sold at any price.

Mr. Thayer, of the "New York Evening Post," remained in the room a few minutes, and we observed the character and conduct of the guard. Some of them lay down, and got tumbling and quarrelling, and others came into the bar, and sat at full length on chairs. All had their hats on, and such a set of debauched, vulgar, outlawish looking fellows I never beheld.

At about eleven o'clock Burns was led back to his room. Mr. Grimes and I went with him, and remained a few minutes. I told him I should accompany him to the cutter, and Mr. Grimes offered to go with us also.

I told the marshal of our intention to go down with Burns. He objected. I told him that it was a privilege always allowed to a criminal going to execution that his clergyman and counsel should go with him, and strongly advised him not to refuse it. He took time to consider it, and consulted with others,

and brought us word positively that it could not be permitted. We then said we would go and take our leave of him in his room. We went up, and began speaking with him, at the window, as heretofore, when three of the keepers (one of whom was the notorious Byrnes — "Augur Hole Byrnes") came up and stood by our side to listen to the conversation. I asked Mr. True, who had charge of the room, to order them to leave us, as they had always done before. In all our prior interviews we had seen him at the window, and the keepers had withdrawn to the other end, so that we could talk without being overheard, as had been settled between Mr. Phillips and the marshal. Mr. True replied that the marshal had issued a new order that all conversation with the prisoner must be in the hearing of the keepers. I asked, pointing to the three keepers who stood by, "Is the order that I must be overheard by this man, and this man, and this man?"

"Yes, sir. Those are the orders."

"I shall hold no conversation in such company. I shall not consent to hold any conversation with the prisoner on such terms."

The officer said he was sorry, but must obey his orders.

I then advanced to Burns, gave him my hand, told him that I could not, in self-respect, converse with him on such terms, told him also that the marshal had prohibited our going down with him, and bade him good-by. He thanked me warmly for all I had done for him, and said he had no doubt all had been done that could be done. Mr. Grimes also followed suit, and took leave of him, bidding him trust and hope in God, and giving him his address and that of Deacon Pitts, that he might write to them, if permitted.

Mr. Grimes and I walked to and fro in front of the court-house for an hour or so, the entire square being cleared of the people, and filled with troops. Every window was filled, and beyond the lines drawn by the police was an immense crowd. Whenever a body of troops passed to or fro, they were hissed and hooted by the people, with some attempts at applause from their favorers. Nearly all the shops in Court and State streets were closed and hung in black, and a huge coffin was suspended across State Street and flags union down. A brass field-piece, belonging to the Fourth Artillery, was ostentatiously loaded in sight of all the people and carried by the men of that corps in rear of the hollow square in which Burns was placed. Some 1,500 or 1,800 men of the volunteer militia were under arms, all with their guns loaded and capped, and the officers with revolvers. These men were stationed at different posts in all the streets and lanes that led into Court or State streets, from the court-house to Long Wharf. The police forced the people back to a certain line, generally at the foot or middle of the lanes and streets leading into the main streets, and wherever there was a passage, there, a few paces behind the police, was a body of troops, from twenty or thirty to fifty or one hundred, according to the size and importance of the passage.

The mayor having given General Edmunds discretionary orders to preserve peace and enforce the laws, General Edmunds gave orders to each commander of a post to fire on the people whenever they passed the line marked by the police in a manner he should consider turbulent and disorderly. So, from nine o'clock in the morning until towards night, the city was really under martial law. The entire proceeding

was illegal. The people were not treated as rioters or ordered to disperse. No civil officers were on the spot to direct the military or to give orders when and how to act. But the people were given their line, as on a parade day, and the troops were ordered, by a military commander, to fire upon them, at the discretion of the various commanders of posts. In one case, that of Captain Evans of the Boston Artillery, the two first orders were actually given, and in a second more the company would have fired, but for the fortunate intervention of Colonel Boyd, who ordered their guns to shoulder. Mr. Almon tells me that he heard an officer mounted tell the crowd that if they passed a certain line, the soldiers were ordered to fire, and would certainly do so. Professor Wyman says that Captain Young of the Artillery at the head of Franklin Avenue presented his pistol at every man that came to the alley, and put two or three persons ridiculously under arrest, with threats to shoot them. I myself saw several men of Company H, 1st Regiment, at the head of Broad or Kilby Street, on a slight sign of commotion in the crowd at the foot of State Street, such as often is seen in large crowds, cock their guns and present them, ready to fire, without orders. An accident would have cost lives, and it was with great reluctance, and only after repeated orders, that these men would uncock their guns and bring them to order. It has been the greatest good fortune in the world that not a gun was fired by accident or design. No one could limit the consequences; and all concerned would have been in the eye of the law murderers.

Mr. Grimes and I remained in the court-house until the vile procession moved. Notwithstanding

their numbers and the enormous military protection, the marshal's company were very much disturbed and excited. They were exceedingly apprehensive of some unknown and unforeseen violence.

The "guard" at length filed out and formed a hollow square. Each man was armed with a short Roman sword and one revolver hanging in his belt. In this square marched Burns with the marshal. The United States troops and the squadron of Boston light horse preceded and followed the square, with the field-piece. As the procession moved down, it was met with a perfect howl of Shame! Shame! and hisses.

I walked slowly down the streets at a considerable distance in the rear of the procession, and when I heard the news that it had safely reached the end of the wharf, and that the cutter was steaming out to sea, I returned to my office.

I remained in my office until about 8.30 P. M., revising my speech for the paper of Saturday, and went over to Parker's to tea with Horace Gray. While at tea, the bells rang for nine o'clock. I remarked to Gray that I had lost the nine o'clock coach, and must either wait a half hour or walk out. Just then Burlingame came up and proposed that we walk out together. I acceded to the proposal and waited some twenty minutes or so for him to finish his tea, and then we three started together. Gray left us at Pemberton Square, and Burlingame and I went on through Court Street. We had just passed Stoddard Street, walking on the left side of Court Street, going towards Bowdoin Square, he on the inside and I on the outside, when I remember observing a commotion on my left as of people pushing, and instantly

I received a terrible blow over my right eye. I was stunned by it for a moment. Whether I was knocked down or not I do not know. I first remember standing in the street, stupefied and bleeding, and thinking that I had been hit by some accident. I thought that an iron bar which is used to confine window shutters had been suddenly thrown out and had hit me, or that I had received a chance blow from some one in a quarrel at my side. I saw no man. The blow was from behind or at my side, and I do not distinctly remember seeing anything go across my sight, though I have some indistinct recollection of something like an arm or a stick passing across my sight. People came about me, and I recollect insisting upon it that I was not hit intentionally, until several told me they saw the man and the blow, and then I said to Burlingame, "Well, we 've kept the field." I walked to Dr. Salter's with Burlingame, when he left me, to go to the police office to lodge a complaint, and to the newspapers. Dr. Salter applied arnica externally for nearly an hour, reducing the swelling considerably. The weight of the blow fortunately fell on the strong bone over the eye and on the cheek bone. If it had hit the eye, it would have destroyed it. If it had hit the temple, I have little doubt it would have broken it in.

I was unarmed. Through the whole of these perilous days, in the midst of armed men, and in danger of being involved in a riot at any time, I yet determined to go unarmed. I thought that as I had a professional duty to perform, which required all my powers and attention, I should be able to do it better and be less likely to be involved in quarrels if entirely unarmed. I carried nothing, therefore, but a

heavy cane. But it would have made no difference here, for I had no time to fire, or even to look. My cane I missed when I came to my senses. A man behind me said that one of the men who came up to attack me took it away, just as the blow was struck.

I had on glasses, which I often wear in the night, to aid my sight. The rim and glass of the right eye were broken.

Burlingame and I took a coach and rode out to Cambridge. It was nearly twelve o'clock, when I reached home. Sarah had gone to bed. I took no light into her room, and told her of my injury, representing it as a light matter, and not telling her the full truth until the next day.

From the story told by Burlingame and a Mr. Perkins who was behind, it would seem that as I passed Allen's saloon, where these rowdies congregate, my name was called and two men came out, followed us a little way, and then one of them pushed Burlingame aside and struck me this blow, whether with fist alone or not they cannot tell, and both ran. Burlingame pursued them. They ran through Allen's saloon, and then into Stoddard Street, and into one of the gambling saloons. As he went into Stoddard Street the gang of fellows growled out to Burlingame to go off or he would get what he would not like, and he returned to look after me.

During Saturday, Sunday and Monday I kept about, but my eye was swollen and bloodshot, but by the middle of the week it was fully recovered.

A full report of my argument appears in the "Traveller" of Saturday, June 3d, and in the "New York Evening Post" of the same date.

I have had letters of compliment and congratulation

and condolence and sympathy from all quarters, which have been very gratifying to me; and, for once since 1848, my position seems to be in accordance with that of the powers that be in Boston. The change wrought by the Nebraska Bill is astonishing. The moderate Whigs, who doubted and distrusted Mr. Webster's course in 1850, are out clear and firm, and full of sympathy for us. The "Webster Whigs," if anything, feel worse than any others. They feel to blame. They feel that they have been deceived by the South, and that they have misled others. I do not know how many who hardly spoke to me from 1850 to 1853, and whom I heard of in all quarters as speaking against me bitterly, come up to me with the freedom and warmth of old friends, and talk as though there had never been any difference between us. This is not always easy to bear. But it is so gratifying a sign, that I can waive the personal advantage I might take if I pleased.

On Wednesday they arrested a man on suspicion of being my assaulter. He is a very strong man, a bully, going by the aliases of Oxford, Huxford and Sullivan. He pretended not to know me when I came into court, and asked in a very loud tone, "Which of those gentlemen is Mr. Dana?" and asked me, after I had stated the charges, whether I had ever seen him before. I asked him, by a lucky thought, if he was not one of the United States marshal's "guard." He said he was. I then asked him if he did not stay in the court-room, after the decision was given, and after the room was cleared. He said that he did.

Now it is quite impossible that he did not know me, as I had been before the guard constantly for five days, and making an argument of four hours.

June 25. *Sunday.* The excitement from the Fugitive Slave case has not yet passed away, and the case and its attendant circumstances, the military government we were under, and our relations with the general government, are constant subjects of exciting interest. P. W. Chandler has written a series of articles in the "Daily Advertiser" on the martial law which we were all put under. These articles have been temperate and clear and have commanded general assent. B. F. Hallett made a ridiculous attempt to answer them in the "Courier." Colonel Thomas has replied in the "Post," to much more purpose than Hallett, but not successfully. Chandler proves that the act of the mayor was illegal and that the city was under martial law all day, unlimited discretion being lodged with General Edmunds, and power of life and death delegated down to the commanders of posts at the heads of alleys and lanes, the crowd being nowhere told to disperse or in any respect treated as rioters, and indeed no civil officer was upon the spot.

The change in public sentiment on the slave question is very great. Men who were hostile or unpleasant in 1851 are now cordial and complimentary, and the prevailing talk among merchants and lawyers is that of hostility to slavery and the slave-power. It is all fair weather sailing now. This case is precisely the same as that of Sims. But then we were all traitors and malignants, now we are heroes and patriots. The truth is, Daniel Webster was strong enough to subjugate, for a time, the moral sentiment of New England. He was defeated, killed, and now is detected. He deceived half the North, but they are undeceived. He does not stand as he did six months ago.

30. *Friday.* To-day I had an illustration of the outrageous operation of the Fugitive Slave Law. Smith, the caterer, called upon me about his foreman, Robinson, who was in some danger, as they thought. I told him to send Robinson to me, and in the afternoon he came in and told me his story. He was the slave of Messrs. Lumpkins & Logan, slave-traders in Richmond, Virginia. He was the foreman and overseer of their establishment, very much trusted by them, and had charge of their gangs of slaves, which they collected for sale and to send to the New Orleans market. They sent him from Richmond in a vessel bound to New Orleans with a cargo of forty-eight slaves. They were driven by stress of weather off their course and wrecked on one of the British West India Islands, where the negroes were all liberated by the local courts. Robinson came to Boston. He had given his word to his owners, when he left Richmond, that if he was alive he would meet one of the Mr. Lumpkins in New Orleans at such a time. He felt bound to keep his word, and went there and stayed over his time, and his master did not come. He then returned to Boston and established himself. This was in 1840. In 1842 Mr. Lumpkins came to Boston and inquired for him. As there was no such abominable law as that of 1850 then in operation, and little or no fear of recapture was felt, he went to see him at the Tremont House. Mr. Lumpkins asked him about the loss of the vessel, what had become of the men, etc. Another Southern man was present and asked Lumpkins: "Is that one of your boys?" "No," said Lumpkins, "he was, but he is now a free man." Lumpkins made no claim or pretence of a claim. Now this Mr. Lumpkins is in Boston inquir-

ing for Robinson, and he desired my opinion whether it was safe for him to be about here. I was obliged to say to him that he was free, and that his former master had no more right to carry him off than he had to carry me, but that there was a legal certainty that he would be delivered up to him if he made a claim. The reason was this: All the claims now made are enforced by transcripts of records. If his master claims him, he will no doubt have a record. This record will be conclusive of the facts of slavery and escape. The defence itself would admit the identity, and the commissioner would be concluded by the record on the other points. He could not even hear the defence. Thus a free man would be sent into slavery. Nor is it necessary to suppose perjury or bad faith, for no doubt men in Virginia would call this an "escape" under the statute, and swear to his being still his slave, and perhaps magistrates in Virginia would sustain the doctrine so far as to grant the record. People will never see the damnable character of the tenth section of that act until a few atrocious cases shall have arisen.

September 10. Sumner spent the evening with me. He says that when he is in executive session of the Senate, with closed doors and sworn keepers, he feels as if he were in the cabin of a pirate, sitting around a council board, at which the various projects of piracy are discussed, one proposing a descent upon the Gold Coast, another a visit to the Mediterranean, and another a cruise for homeward bound Indiamen.

I asked him if he meant, seriously, that their spirit was such as to bring up the comparison to his mind. "Seriously," said he, "I do mean so. That is just

it. Their spirit is that of pirates. They do not seem to be aware of it, but they talk like pirates. They speak of getting Cuba and getting the Amazon, and this and that, in disregard of all principles of the law of nations, and of common faith."

He said he had often been tempted to tell the American people, or give them some hint of how these sessions are conducted, but he feared that although he should reveal no particulars, yet it might be called a violation of secrecy. So, too, as to the nominations to office; said he, "Since I have been in the Senate, some thousands of nominations have been acted upon, and whether confirmed or rejected, the test openly and unblushingly put now, in debate, by Senators, is the test of fidelity to the slave-power. At first it was the Fugitive Slave Law. Now it is Nebraska. It is not enough that he be of the ruling party, the least suspicion of infidelity to the Southern policy of the party is fatal. The most minute and gossiping evidence is gone into, on each side, pro and con, to prove or throw in doubt the position of the nominee, but the fitness for the office is not alluded to. Only in two instances, positively, only in two instances, can I remember that the moral character or fitness of the nominee have been alluded to."

September. I take to myself the entire credit of the case of the Orkney, just decided by Judge Sprague. It presented the question directly what the rule was when a steamer meets a sail vessel going free, whether each should keep to the right, or the sail vessel should keep on her course and the steamer avoid her, and whether, if the latter, the steamer must go to the right, or had her choice of sides. In this case the sail vessel kept to the right and the steamer

to the left, and they were in collision. I was counsel for the steamer, and in order to prevail we must establish three things: (1) That a sail vessel going free, meeting a steamer, must keep her course; (2) that the steamer must do all the avoiding; (3) that the steamer had her choice of which side she will go. A recent case of Dr. Lushington's, The City of London (4 Notes of Cases), was directly against me. He held that in such case each vessel must keep to the right.

I examined carefully every case of collision in England or America, and made up my mind that there was a rationale which lay at the bottom of the whole law of collision which had never been expounded or even hinted by any judge or commentator, and which, if sustained, would overturn Dr. Lushington's decision and give me my case. I presented it in full to Judge Sprague, in an argument of nearly four hours long, illustrating and enforcing it in every way in my power. I acknowledged it to be new, but told him that by propounding and enforcing it, he could do for the law of collision what the great Lord Holt did for the law of bailments in Coggs *v.* Barnard. The result was that, after a deliberation of ten days or so, Judge Sprague adopted and sanctioned it entirely, overruled the City of London, and gave me my case, and, what was more gratifying still, he adopted not only my positions but my reasons, and did not add anything material to my argument.

I have a right to take some pride in this, and the entire credit.

The following correspondence explains itself and completes the record of Mr. Dana's connection with the fugitive slave cases, a record no line of which he or his could ever wish to blot.

June 15, 1854.

R. H. Dana, Jr., Esq.

We are directed by the Vigilance Committee of Boston to offer you their most sincere thanks for the prompt devotion with which you hastened to the protection of Anthony Burns, and to assure you of their profound appreciation of the eloquence and ability with which he was defended.

While recognizing the disinterestedness which led you to proffer your services without a fee, they beg leave to inclose the accompanying check, not as compensation, but as grateful acknowledgment merely of your efforts to aid them in securing justice to fugitive and freeman.

In behalf of the Executive Committee of the Vigilance Committee,

Wendell Phillips.

June 15, 1854.

Wendell Phillips, Esq.

In behalf of the Executive Committee of the Vigilance Committee of Boston.

Dear Sir, — I have just received your note of yesterday, conveying to me, in very gratifying terms, assurances of the feelings entertained by the society you represent respecting my services in the recent case of Anthony Burns.

They give me more credit than I am willing to receive. The good fortune which is said to attend early rising made me one of the first of the members of the bar, if not the first, to hear that there was a man in custody as a slave in the court room. To render myself at once on the spot, and to offer my professional services to him and to those who were coming forward as his friends, was an act I trust natural to me, and requiring no effort or sacrifice. Many others would have done the same, and no doubt did as fast as they heard the intelligence. I have done

so in the cases of alleged slaves in Boston heretofore, and so have others, and I hope the members of the bar in Massachusetts will never fail to be ready to render this service gratuitously to the cause of humanity and liberty. A portion of my time, and the application of such influence and ability as I may possess, is the only contribution I have to make. Others contribute of their means and powers, all in their various ways, and many at great sacrifice and with little or no return even in the way of acknowledgment.

Looking upon the matter in this light, while I thank the committee for their kind words of approval, and for the subtlety of good taste which led them to draw a distinction between compensation and an acknowledgment of a gratuitous service, I am sure the committee will not think me in the least disrespectful to them when I say that in whatever form their politeness may cast the offer, I am not willing to retain the check which accompanies your note. Beside my own feeling in the matter, which would be conclusive with me, I would not have the force of the precedent which has been set in the trials for freedom in Massachusetts thus far, impaired in the least, for the honor of my profession and the welfare of those in peril.

I beg you to express to the committee my sense of their attention, and believe me,

Yours truly,

RICHARD H. DANA, JR.

BOSTON, *January* 1, 1855.

RICHARD H. DANA, JR., ESQ.

Dear Sir, — Some of our fellow-citizens have charged me with the grateful duty of transmitting to you the accom-

panying piece of plate, which we beg you to accept as a mark of our appreciation of the zeal, patience and ability with which you managed the defence of Anthony Burns.

You have declined all pecuniary compensation for these laborious and painful services, and we do not hope to add, by this gift, to the satisfaction you must experience from the faithful performance of a great and humane duty, but we rather seek our own gratification in thus asking you to preserve and hand down to your children and your children's children this record of your noble act, as one of the many evidences (their richest inheritance) of a useful, honorable and Christian life.

Accept at the same time our heartfelt wishes, that the year now opening may be blessed to you and yours, and exempted from the sorrows and trials which you have shared with us in the year just closed.

Respectfully yours,

R. E. Apthorp, *Committee.*

Cambridge, *January* 4, 1855.

Robert E. Apthorp, Esquire:

Dear Sir, — The labors of a lawyer are ordinarily devoted to questions of property between man and man. He is to be congratulated if, though but for once, in any signal cause he can devote them to the vindication of any of the great primal rights affecting the highest interests of man.

I have always regarded the part I was able to take in the defence of Anthony Burns as a privilege for which I ought rather to give than to receive remuneration. The unsuccessful issue of that trial and the humiliations, neither few nor small, which attended and followed it, permit us to look back upon it only with the most painful emotions. The only bright recollection is that there were some, among whom are those who join with you in this testimonial,

who, with you, stood by him in his hour of need, with the aid of their countenance, their characters, their fortunes, at some peril even to their lives, to save him, and in him the cause of humanity and the fair fame of Massachusetts. It was my lot to aid in the way most appropriate and convenient, the way of my profession.

You have thought proper to present to me this beautiful gift, on the beginning of a year, which we hope has written against it in Heaven's ordinal no such bitter draught for Massachusetts.

I shall always look upon it rather as a memorial of the event, than as a testimonial to myself; and I shall teach my children, to whom you kindly refer, when they read my name, which you have placed upon it, to regard me rather as the representative of the donors themselves, than as entitled to any peculiar personal merit. But as an evidence of the kind feeling of so many of my fellow-citizens, and as a grateful remembrance of your friendship, I shall claim in it a peculiar property.

Very truly yours,

RICHARD H. DANA, JR.

The piece of plate thus given was a salver bearing the following inscription: —

TO

RICHARD H. DANA, JR.

FOR HIS

MANLY AND GRATUITOUS DEFENCE

OF THE

UNALIENABLE RIGHTS

OF

ANTHONY BURNS,

WHO WAS

KIDNAPPED AT BOSTON, MAY 24TH,

AND DOOMED TO ETERNAL BONDAGE, JUNE 2D, 1854.

FROM A FEW OF HIS FELLOW CITIZENS.

Among the books in Mr. Dana's library is a copy of Campbell's Specimens of the British Poets, given to him in 1853. To the fly-leaf of the volume is attached a letter, touching in its simplicity, which reads as follows: —

MR. RICHARD DANA:

Respected Sir, — I received the money without any trouble whatever.

Yesterday I went round to the friends in Cambridge to return their money, and only one family that would receive it. I was advised by Mr. Longfellow to put the remainder into the bank for my own benefit. Please to accept this book as a small token of my respect for your untiring exertions not only in my cause, but in being a friend in all cases to a proscribed race. Respectfully,

ROSANNE TAYLOR.

In an earlier portion of this narrative Dana's connection with the fugitive slave cases was referred to as the "one great act of his life;" and the strong expression was then ventured, that "the man who holds that record in his hand may stand with head erect at the bar of final judgment itself." The record is now complete, and speaks for itself; no occasion ever again arose for Dana to take his stand by the side of a hunted slave.

"But when the Son of man shall come in his glory, and all the angels with him, then shall he sit on the throne of his glory. . . .

"And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye did it unto one of these my brethren, even these least, ye did it unto me."

CHAPTER XV.

THE MARSHAL'S GUARD.

In the extracts from the diary contained in the last chapter there was a reference to the arrest of Huxford, that one of the ruffians who composed the United States marshal's guard during the hearing which preceded the rendition of Burns who immediately after, on the evening of Friday, June 2, assaulted Dana in Court Street. The story of Huxford's subsequent flight to Louisiana, his being thence brought back to Massachusetts on requisition and convicted of the assault, with all the singular incidents of criminal life connected with those events, was in subsequent years often told by Dana, and in February, 1876, he made it the subject of a lecture which he delivered before the Young Ladies' Saturday Morning Club. This lecture pieces out and completes in a most interesting manner his narrative of the Burns case.

Before giving those portions of the lecture which are not taken from the diary, it will be well to reproduce the part of Dana's closing argument before Commissioner Loring which so exasperated the members of the marshal's guard. It constituted the exordium of what he then said, and at the time was very generally printed in the newspapers and commented upon.

I congratulate you, sir, that your labors, so anxious and painful, are drawing to a close. I congratulate the Commonwealth of Massachusetts that she is to be relieved from that incubus which has rested on her for so many days and nights, making her to dream strange dreams and see strange visions. I

congratulate her that at length in due time, by leave of the marshal of the United States, and the district attorney of the United States, first had and obtained therefor, her courts may be reopened, and her judges, suitors and witnesses may pass and repass without being obliged to satisfy hirelings of the United States marshal and bayoneted foreigners, clothed in the uniform of our army and navy, that they have a right to be there. I congratulate the city of Boston that her peace here is no longer to be in danger. Yet I cannot but admit that while her peace here is in some danger, the peace of all other parts of the city has never been so safe as while the marshal has had his posse of specials in this court-house. Why, sir, people have not felt it necessary to lock their doors at night, the brothels are tenanted only by women, fighting-dogs and racing-horses have been unemployed, and Ann Street and its alleys and cellars show signs of a coming millennium.

I congratulate, too, the government of the United States that its legal representative can return to his appropriate duties, and that his sedulous presence will no longer be needed here in a private civil suit for the purpose of intimidation, a purpose which his effort the day before yesterday showed every desire to effect, which, although it did not influence this court in the least, I deeply regret that your honor did not put down at once and bring to bear upon him the judicial power of this tribunal. I congratulate the marshal of the United States that the ordinary respectability of his character is no longer to be in danger from the character of the associates he is obliged to call about him. I congratulate the officers of the army and navy that they can be relieved from

this service, which as gentlemen and soldiers surely they despise, and can draw off their non-commissioned officers and privates, both drunk and sober, from this fortified slave-pen to the custody of the forts and fleets of our country, which have been left in peril that this great republic might add to its glories the trophies of one more captured slave.

The following are the material portions, not already given in the diary, of the lecture describing the arrest of Huxford, one of the "associates" whom Marshal Freeman was "obliged to call about him." It will be remembered that the narrative was prepared in 1876, twenty-two years after the events described in it took place, and eleven years after the close of the rebellion.

Looking upon this assembly I am reminded that a generation is growing up which does not remember, and will hardly believe, that slavery was the public law of half of this republic, and that the slave-power ruled all in its politics. From the institution of the government until the civil war there were nineteen presidential terms. Of these the North held six, the South thirteen. The South held the chief-justiceship of the Supreme Court for sixty-three successive years, and there was not an hour from the adoption of the Constitution until the civil war when a majority of that court were not slave-holders, although the free States furnished more than three quarters of its business. When there were five judges the South had three, when there were seven it had four, when there were nine it had five. The slave-power ruled the army and navy, West Point and Annapolis. No man could be appointed a teacher in either of those institutions who was suspected of anti-slavery opinions, and such opinions clogged the advancement and

made the life uncomfortable of any officer of the army or navy; and I doubt if a man with such opinions could have held a clerkship in any department in Washington, and the capital was slave soil, with its slave-markets and slave-jails. No man suspected of such opinions could hold any office requiring confirmation by the Senate. In 1859–60 I made the circumnavigation of the globe, and in every port I visited I called upon the American consul, and I never saw one who was not either an advocate of slavery or a willing or silent servant of the slave-power. In no consulate could an anti-slavery newspaper be found, and I believe that if any consul was detected in subscribing for the "New York Tribune" or "Evening Post" he would have been removed. To our ship-masters and foreign ship-masters and supercargoes in all foreign lands the republic showed only its slavery side, and the same may be said substantially of our foreign embassies.

At home the slave-power was steadily advancing. From six states it had risen to fifteen. Our ancestors had prohibited slavery in all the then territories of the United States not formed into states. The South obtained the decision of the Supreme Court in 1855 that slavery could not be prohibited in any territory either by Congress or by the territory itself. This doctrine was adopted by the Democratic party. In 1850 Congress passed the infamous Fugitive Slave Law which deprived the colored people of the free states of all the traditional guaranties of freedom, and brought the slave-hunters to our doors, and converted our court-houses and jails into barracoons. The slave-power expected, in the Lemmon Case, and I do not doubt would have obtained a decision of the Supreme Court, that slave-masters residing in a free

state for temporary purposes, as for education, health or summer resort, could hold their slaves here, and compel our magistrates and police to aid them in their discipline.

I will not go further into details. This generation can hardly believe to what an extent the slave-power had subdued, overawed, and at least neutralized the anti-slavery sentiment of the North between 1836 and 1860.

I have thought these remarks necessary that you might better understand my narrative, the scene of which is laid in Boston in 1854. . . .

Saturday, May 27. Coming into town from Cambridge this morning, I learned the exciting and serious events of the night before. I had confined my attention to the work before me, and purposely kept myself ignorant, as far as possible, of names and things connected with any forcible violation of law. What I now state was, much of it, learned afterwards, some of it since the war and the abolition of slavery. There had been a plan to rescue Burns, which was kept very quiet, to be carried out mostly by men from the country, especially from the town of Worcester. It was understood, or thought to be, that preparations should be made in the afternoon, and that when all was ready a signal should be given at the meeting at Faneuil Hall, and the entire force of the meeting should be directed against the court-house. Dr. S. G. Howe,[1] whose name we utter with bated breath, Colonel T. W. Higginson, then a young writer and lecturer, and Martin Stowell of Worcester, were among those looked to, to lead the attack. The signal was given at the meeting, but the meeting was

[1] Dr. Howe died January 9, 1876.

violent, and it was either not known or misunderstood, and the crowd blocked the egress, and only Higginson, of the leaders, who did not go to Faneuil Hall, but devoted himself to the preparations, was in Court Square. Only the light stuff of the meeting came to the square at first and precipitated an attack which they were by no means ready to follow up. How much of this, if anything, the speakers at Faneuil Hall knew, I cannot tell; but their speeches were deprecatory of mobs and violence. Mr. Phillips especially implored them to await the decision of the commissioner, — that it would be time enough to attempt a rescue if the decision should be adverse. But about nine o'clock somebody called out that the mob was attacking the court-house; the cry "To the court-house! to the court-house!" was raised, the audience became ungovernable, poured out through the doors, and made for Court Square. This precipitated an ill-prepared and premature attack. A large stick of timber, which had been deposited in an alley for the attack, was seized and used to batter down one of the small doors. The marshal, though not anticipating the attack, was not entirely unprepared. He had in the course of the day collected an extra force of about fifty men who were armed with cutlasses. They were stationed mainly behind the door which was attacked. The door was several times forced and closed again, and Mr. Higginson and two or three others entered. All who entered were educated men, Harvard College graduates, but found themselves confronted by this force with drawn weapons, and deserted by the crowd. No one else seems to have attempted to enter. Higginson received a cut across the chin, the scar of which he still bears, and other

rough handling, and with his two or three supporters was forced back into the street. He called out from the steps, "You cowards! will you desert us now?" But there was no organized following, and the police had already got among them and seized some dozen or more and carried them off to the watch-house. Dr. Howe, Martin Stowell and others reached the square, but too late, and the attack came to an end. I know of one attempt Dr. Howe made to give the mob a chance, after he got there, but none availed themselves of it, with the one serious result that a truckman named Batchelder, who had volunteered on this as on the previous occasion to assist in arresting and guarding fugitive slaves, was killed by a stab while forcing back the door.

This failure put an end to all further efforts at a rescue, for the marshal soon became fully prepared. Looking from my window upon the west front of the court-house this morning it presented a strange aspect. It was fully garrisoned. A body of the United States troops from Fort Warren, under Major Ridgley, and a company of marines from the Navy Yard at Charlestown, under Major Dulany, and a company of artillery were stationed in the court-house, and another company of artillery in the adjacent city hall, and sentries guarded every access to the court-house and lined its passageways, and one or more field-pieces, loaded with small shot, were planted in the square.

Perhaps I ought to explain to the younger part of the audience that although the court-house belonged to the state, a few rooms at the northerly end of it had been leased to the United States for judicial purposes, and the government had there a court-room

and smaller rooms for clerks, marshals and juries. But the guard which the marshal placed took possession of the entire court-house, and no one could enter it or pass through its passages, except through files of soldiers, and after satisfying the persons in charge of each locality, who were often irresponsible men, temporarily appointed. Attempts were made to hold the state courts during the next week, but were soon abandoned.

The hearing had been appointed for ten o'clock this morning. Passing the sentries at every door and angle, to whom I refused to give any account of myself, requiring them to send for the officer in command, I went into the court-room with Mr. Ellis. The commissioner was in his seat, Burns at the prisoner's dock, and Suttle and his counsel at a table within the bar. There were no men bearing arms openly within the room, but on the benches next the bar and in the jury seats was a body of 120 men, known as the marshal's guard, to whom my story particularly relates. When the marshal found himself in danger, he thought it best, besides the troops, to have a small body of men not soldiers to be the especial guard over Burns as well as protectors to himself. There was at this time in Boston a notorious man whose name, as it is now twenty-one years ago, and he left Boston soon after, I feel at liberty to give. He was an Italian named Luigi Varrell or Varelli, but popularly called Loui Varrell or Loui Clark, the name under which he was naturalized. A few years before he had been tried for his life for the murder of a woman whom he called Mrs. Clark who, if I recollect right, was thrown from Charlestown bridge. The government was not able to convict him. He kept a

gambling hall and a liquor shop, and was engaged in horse-racing, dog-fighting, prize-fighting and other equally reputable employments. He was a clear-headed, capable fellow, and though vindictive and passionate on occasions was cool in business, and made money out of the passions of others. He was a kind of king among the low classes of men who resorted to his places, and whom he more or less employed. There was at the same time a Mrs. Clark who contributed to swell the revenues of the joint concern by other methods. This was the man for the sudden and peculiar needs of the marshal. He sent for him, and in four hours Varrell had the guard collected, armed and in the court-house. As they sat round the sides of the bar they showed no weapons, but each man had a revolver and a knife under his loose sacque coat. Varrell, short, stout-built, dark-complexioned, with a quick, black eye and heavy brow, stood a little aside keeping a good watch over everything. A friendly bystander who knew the world told me something about this guard, and identified one of them as Tyrrel, who was tried and not convicted for the murder of a woman in the West End, and another who served his time in the state prison for robbing Scott & Currier's jewelry store. They were certainly what is familiarly called a hard-looking set. Mr. Andrews, the ex-jailer, says he finds forty-five among them who at various times had been his prisoners.

Mr. Ellis and I again moved for a postponement till Monday. It was opposed earnestly by the counsel for Suttle, which gave me the opportunity I wanted for a speech. The commissioner again granted our request, and the hearing was postponed till ten o'clock on Monday.

I do not purpose to carry you through the trial or its incidents. They occupied Monday, Tuesday and Wednesday, on which day the arguments were finished. The commissioner adjourned the hearing to Friday morning, when he was to give his decision. For seven days the court-house was held in the charge of the troops and the marshal's guard. There were about sixty marines from the Navy Yard, and about one hundred and twenty regulars from Fort Warren, as I have said. These guarded the doors and passage-ways in all the stories. The body-guard under Louis Clark slept and ate in the building, most of them in the court-room itself. The court-house had the look of a garrison, the regulars lolling out of windows and hanging about the doors, most of them foreigners, as was the case with our army then, some of the lazy hounds stretched on benches, or diverting themselves in the small rooms with cards and pipes. There were, besides, cordons of city police. So long as they attempted to keep open the state courts, there were several instances of difficulty and obstruction to litigants, witnesses and jurors coming to and from the court-rooms. Attempts were made by certain barristers to procure an order from the state courts requiring at least one door and passage to be kept open and guarded by officers of the court; but no judge was found who seemed willing to issue the order or even to summon the United States marshal before him and insist upon satisfactory arrangements.

The state of things was so portentous that on Saturday morning the counsel for Suttle, with his consent, opened negotiations for the sale of Burns, or, more strictly, for his emancipation. They were met by the Rev. Mr. Grimes, who spent nearly the whole

day and evening in procuring the required sum of money, which was $1,200. The negotiations got so far that the necessary paper was drawn up and the money secured, when they were broken off by the intervention of the United States attorney. This officer had no function whatever to perform in the case. It was a private question of one man's claim to the possession of another, and the United States was in no sense a party; but the attorney insisted that the emancipation should not take place, that the law should be vindicated, and if the decision was against Burns he should be actually taken back to Virginia, and there delivered into the custody of his owner, after which the owner might, if he saw fit, take the money and execute the papers. The commissioner who was to try the case did his utmost to carry out the negotiations, but the voice of the United States attorney prevailed, and Suttle refused to go any farther, but said he would sell him after he had got him to Virginia. The United States attorney acted under orders from the Cabinet at Washington, with whom he was in constant communication by telegraph. Thus the negotiations broke off, and the trial proceeded.

On Friday, June 2d, in a crowded court-room before a most anxious audience, with still larger crowds from all parts of the Commonwealth, drawn to Boston by their intense interest, the commissioner gave his decision. It was in favor of the claimant, remanding Burns into his custody.

The preparations made by the marshal were of an imposing character. The adjutant general of the United States army had been ordered by the President to Boston, empowered to take United States

troops from New York, who were kept in readiness to move. The entire police force of Boston was in service. On the requisition of the mayor, portions of the state militia, consisting of a battalion of dragoons, a regiment of artillery and two of infantry, were paraded. Their function, as officially stated, was to preserve the peace. The United States government chartered a steamer, which lay at a wharf near the foot of State Street, to transport Burns, with a portion of the regulars, to the United States revenue cutter, which lay at anchor below, prepared to carry him to Norfolk. The militia who had been called out were posted along Court Street and State Street from the court-house to the wharf. Court Square was held by the regular artillery and their cannon. The militia were drawn up across every street or alley that led to or from Court or State Street, at a little distance up the street or alley, so that the people should be kept back, and there should be no access to the route of the procession. The marshal's guard formed immediately about Burns, in front, behind and on each side. They no longer concealed their weapons, but each man wore a short Roman sword and a revolver. Within the hollow square were the marshal and Burns. Before them were the cavalry and a part of the regulars, and behind another portion of the regulars, with their cannon. The streets were to a great extent hung in black, and mottoes indicating indignation or shame were suspended from windows, and, as the procession moved, there were almost incessant hissings and low cries of "shame, shame," although there were no attempts at violence. . . .

I was detained in town until late in the evening.

Mr. Anson Burlingame, Horace Gray (now Chief Justice) and I took tea together at Parker's, talking, gloomily enough, over the events of the day. Some of the marshal's deputies, and others who had volunteered with them, were having a high supper at other tables, making themselves conspicuous by loud, triumphant talking. Being too late for the nine o'clock omnibus (for half-hour omnibuses were the only communication with Cambridge at that time), Burlingame and I agreed to walk out together, as we had often done before. Mr. Gray left us at Pemberton Square, and Burlingame and I went along Court Street on the left side, I walking on the outside next the street. We passed Stoddard Avenue, a vile neighborhood, and had nearly reached the Revere House, when I noticed that some one crowded Mr. Burlingame away from me, and I felt myself struck a very heavy blow on the head, — I thought for the moment it was by an iron bar, — and the next I knew was that I was picking myself up from the pavement, a little stunned, and pretty well covered with blood. A crowd soon got about me, and a man who gave his name as Perkins, and seemed friendly, said I had been struck by a man from behind, and that two men had turned and run back towards Stoddard Avenue, Mr. Burlingame pursuing them. Burlingame soon rejoined me, and I went to the house of a neighboring physician, and after some two hours of rest and care there we went out in a coach to Cambridge. He told me that seeing me fall and two men running away, he followed them as far as Allen's saloon, into which they ran, when a crowd of rough fellows blocked his way in a threatening manner, — "You 'd better be off from here," — and he came back to look after me. The

blow had fallen upon the thick strong bone just over the right eye, and the physician said that my fall and bleeding had probably prevented congestion, and that had the blow fallen a trifle lower I might have lost an eye, or if a trifle higher it might have broken in the temple. As it was, I escaped all serious consequences, and was at my office the next day.

The city offered a large reward, but I had no belief that the man would be discovered, and neither Burlingame nor I could have identified him.

During all the exciting scenes of the last week, when so many were armed, I carried no weapon, and purposely. I had a special duty to perform, purely civil in its character, and I felt that I should do it all the better if I relied on nothing but civil and moral power.

About a week after this assault there came into my office a small, thin, dark, sharp-eyed man, who must see me alone, and announced himself as Heath, a detective.

"I 've got your man, Mr. Dana."

"Well, where is he?"

"I have n't arrested him yet. I want you and Mr. Burlingame to identify him."

I repeated the circumstances, and assured Heath that neither Burlingame nor I could do anything toward identifying him. Heath was persistent and seemed really to think that we might do something to accommodate him, for he was after the reward. Being at last convinced, he asked what he should do, having no proof.

"Are you sure it is the man?"

"Yes, I *know* it is."

"Then, if you know it, you can prove it."

"Oh, no, Mr. Dana. It is n't so in our business."

Asking for an explanation, he said that the police had some person in almost every gang of criminals on whom they had some hold, and from whom they would sometimes get information. Such persons were criminals themselves, discovered in some misconduct, whom the detectives "let up," on the understanding that they should occasionally give help. In this case the informant was a woman.

"And you can't use her as a witness?"

"Oh, no, that will never do. It would cost her her life. Besides, we must keep faith with these people, or we lose all hold of them."

The man's name, he said, was Huxford. I advised Heath to arrest him if he was sure he was the man.

The next day Heath came in again.

"I 've got him, sir. He 's in the police court, and the judge wants you to come in."

You may not all know — the ladies will, but some of the gentlemen may not — the law which governs cases of arrest. It is a part of our free system that if a man is arrested on suspicion of crime he is entitled to be examined immediately by a magistrate, and if there is not proof enough to warrant his detention, he is entitled to be discharged. As we had absolutely no proof, I expected to see Huxford discharged at once. I went into the police court, and took my seat in a small inclosure occupied by lawyers. In the prisoner's box was a large, powerful man, with a big head, full neck, heavy brow, short cut hair, with the regular prize-fighter look. A few minutes after I took my seat he asked, loud enough to be heard by the magistrate, and looking towards our seat, —

"Which of those gentlemen is Mr. Dana?"

Ah! It is seldom that a guilty man helps himself by anything he undertakes to say. Immediately it occurred to me, How do you know that either of those gentlemen is Mr. Dana? I was satisfied from this that he knew me.

The judge called up the case, and the man answered to the name of Henry Huxford. He was asked if he was ready to be examined. Fortunately for us, and it was his second and great mistake, he said he was not. "Why not?" He could prove that he was at home and abed at the time I was assaulted, and wished time to get his witnesses. Heath, who conducted the case, consented to a delay with well-affected reluctance. The judge granted two days, with bail at $1,500. Immediately stepped forward Louis Varrell. "Is he good?" said I to Heath. "He? Yes. He 's good for $10,000 any time." I had gone upon the witness stand before the postponement to state what little I knew. The judge asked Huxford if he wished to put any question to me. Here he made his third mistake. "Did you ever see me before, Mr. Dana?" If I had not been a lawyer I should probably have answered, "Not that I remember." But I replied, "Were you one of the marshal's guard in the Burns case?"

I put this question at a venture, on the probability only.

"Yes, sir," said Huxford.

"Then I *have* seen you before," said I.

This confirmed the falsity of his first question. The idea that a man who had guarded Burns in the court-room five days, and seen and heard me for hours every day examining witnesses and arguing

the case, should ask which of three or four gentlemen I was was too preposterous. My replies probably confirmed Huxford's suspicions that we knew all about him.

On the second morning Heath came in again.

"He 's gone!"

"Who 's gone?"

"Huxford. He 's off. He was off that afternoon."

I said I supposed it was an arranged thing, — that the bail would be paid by contribution, perhaps the United States paying part. No! Heath was sure Huxford had run off and left Varrell in the lurch. Varrell was in high wrath, had traced him to New York, where he had taken ship as a sailor to New Orleans, and was to get a warrant from the governor and go or send by rail to New Orleans and bring the man back. I was incredulous, but Heath was a better judge than I of such things. He said it was n't so much paying the bail that Varrell minded. It would never do for him to let one of these men get the better of him. His power over the whole class would be gone. They all knew that Huxford had cheated him, and it was worth everything to Varrell to get him back and put him in the dock. Varrell's counsel stated the facts to the court, and asked for a postponement long enough to enable Varrell to bring back his man. The judge asked what we had to say. Had it been left to me I should doubtless have either refused or consented outright. But every man to his trade. Heath wished to confer with Varrell, and I left it all to Heath, who was indeed the *dominus litis*. What Heath told me the next day gave me a new idea of human ingenuity, to say nothing of honesty. He had sturdily refused to agree to a post-

ponement, and, when urged for a reason, said that he might lose his witnesses, — of which the virtuous Heath had not one, and did not expect to have. Huxford would try to prove an *alibi*, and some witness against him might fail. Varrell said he would furnish witnesses. That was very well, but Heath was n't to be caught by words. If Varrell would furnish two witnesses who saw the whole thing, and they would make an affidavit in writing to be left in Heath's hands so that they could n't change their testimony afterwards, and Varrell would be bail for their appearance as witnesses in large sums, the magnanimous Heath would consent to a postponement. All this had been done, and Heath handed me the two affidavits. They were in due form and in full detail. The witnesses had been together Friday night at Allen's saloon, where Huxford and others of the marshal's guard, who had been paid off, were celebrating their victory. The strong gaslight in the street and the big bay window showed Burlingame and me passing by. "There goes Mr. Dana," said Huxford; "I 'd like to give him his corn," and he started out after me. The two witnesses, who were young men, followed him and saw all that happened, the blow from behind, my fall, and Huxford passed in plain sight by them on his retreat to the saloon. The next morning they met him and gave him a wink. He asked them if they saw it, and told them to keep dark. Nothing could be more satisfactory than the testimony, and Heath said the witnesses were nice boys.

Varrell obtained the requisition from Governor Washburn, and sent off Heath, accompanied by a policeman named Jones, to New Orleans, duly em-

powered to secure the extradition of Huxford. The following narrative of the doings at New Orleans I had from Heath himself.

Arriving at New Orleans, Heath presented a letter of introduction to the chief of police, a man named James, of whose capacity and fidelity Heath formed a high opinion. The *esprit de corps* of the policeman was too strong even for his hatred of abolitionists. He did n't care what abolitionist the man had assaulted, if Heath wanted him he should have him. They went together to the Governor, and obtained the proper papers for the arrest. Here he learned more about Huxford. He bore a very bad character. He had lived in a street which the police never entered without a strong force, and had been sentenced to six months in the house of correction, but had not been committed, the case having been in some way postponed by the assistance of an influential supporter of Huxford's, General Quitman of Cuban filibuster notoriety. Quitman was one of the officers of Lopez's expedition to Cuba where they were all taken and Lopez garroted, and the inferior officers and the men had been released on the intercession of our government. Huxford, who was best known in New Orleans as Bill Sullivan, was one of Quitman's men, and had since been serviceable to him and others in politics as a shoulder-hitter, and was one of that infamous company called "Thugs," part of whose superfluous energies were devoted to managing primary meetings, guarding ballot-boxes and challenging voters.

A policeman of New Orleans named Howard was assigned to Heath, and they went together to the mouth of the river and there awaited at the pilot

station the arrival of the ship in which Huxford had sailed. It was midsummer, intensely hot, the whole region sandy and muddy, and as disagreeable as possible. Heath made it his business to secure the good will of the pilots, and offered a prize of five dollars to the man who would first sight the ship, and ten to the man who would put him on board. On the morning of July 3 the ship was telegraphed, and Heath was put on board. Almost the first man he saw was Huxford.

"Heath! What in h—l do you want aboard this ship?"

"Bill, I want you, and I am going to have you."

Bill took a different view of it, and scouted the idea of being taken out of the ship in the river where all the "boys" would stand by him. The crew gathered about in a threatening way, prepared to stand by their shipmate. There had been for years a very bad state of things in the river. As soon as a large ship arrived she was boarded by runners and landlords and low characters of all sorts who sometimes practically had possession of the ship. A short time before a New England captain by the name of Holmes, trying to enforce order among his crew, had been shot by one of these ruffians from on shore. The captain of this ship called Heath below into the cabin to examine his authority for the arrest, and Heath told Howard to keep a sharp eye on Bill and not let him get out of sight, and the mate had orders to let no boat board the ship. Heath found this captain a man determined to enforce order, with seven revolvers loaded and at hand. Nobody, he said, should control his ship but himself. Being satisfied of Heath's authority, he told him he should have his

man, and they went on deck. But Huxford, alias Bill Sullivan, was not to be found. Howard, who turned out to be a nobody, said that Huxford's wife, who was on board as a steerage passenger, had cried and howled and set the crew all agog, and they had hustled Huxford out of his sight. The afternoon and evening were wasted in vain attempts to discover him. All boats were kept off from the ship, and two men had been obtained by signal to the pilot station. Pistol in hand, Heath and an officer searched the forecastle and every part of the vessel where they thought it likely Huxford would be hid, the crew muttering and threatening but the captain and mate prepared for fight. Heath passed an anxious night, afraid to leave the deck. Toward morning, while it was still dark, he heard a splash in the water and ran forward. He could see a board floating off with the tide and something large upon it, and Huxford's wife was moaning and crying, and some of the men stood round jeering at Heath, — "There he goes. You 've lost him."

Heath jumped into the rigging, drew his pistol and pointed toward the board, but he noticed that Mrs. Huxford was n't disturbed by it, and with that and the appearance of the object on the board and other symptoms he came to the conclusion that it was not Huxford.

That morning the steward's boy, a negro, told Heath he believed the man was in the galley; but the galley was locked, and the key was lost. One door was locked but another was hooked inside. Heath found that a long knife slipped through the crack would lift the latch and he went in. There was nothing there but a coal box, with the lid closed,

that seemed quite too small to hold a big man. He raised the lid and out popped a pair of bare feet. He seized them and gradually dragged out Huxford.

"But, Heath, Huxford was a bigger man than you."

"Yes, sir, but authority goes a great ways in all these cases."

A more miserable object Heath said he had scarce ever seen. The weather was hot and the galley was hotter yet and the coal box hotter still, besides being lined with coal dust, and Huxford was dripping with sweat, and his face looked like a leg of bacon that had been hanging all day in a July sun. Heath had him out and got him aft, and made the most of his advantage and of the weak and forlorn condition of his prisoner. Huxford still persisted that he would not go to Boston, but said that if Heath would take him to New Orleans he would be all right there. Heath said that was just what he meant to do; that he meant to put him into the parish jail in New Orleans until a steamer sailed for the North. They then came to terms.

"Now, Cocky," said Huxford (for Heath had a squint of one eye), "you 're a man of your word. If you will give me your word that you 'll take me to New Orleans and put me in the parish jail, I 'll go with you and make no resistance."

Heath told him that he should do that thing exactly. In such cases as these, strange as it may seem, there is some value attached to a promise. It is always of value to a detective to have the reputation of a man who rarely gives his word to a criminal, and always keeps it; and sometimes it is worth while for a prisoner to keep his word too. The crew

began to gather and threaten, but Huxford told them he knew what he was about, that he was going to New Orleans with "Cocky," that it would be all right when he got there. But Mrs. Huxford came up and began screaming and imploring, when the brute brought her a blow which felled her to the deck, and when she got up he said: —

"Now you shut up, and go and get me a clean shirt and some soap and water, black my boots, and bring them to me."

The poor woman did as she was bidden, and brought him soap and water and a towel, then a fresh shirt, and in due time his boots well blacked, and he got into a boat and went ashore to the pilot station with Heath. Mrs. Huxford was left to go up to New Orleans by the ship.

They passed the whole day of the third at the pilot station, where Heath had some difficulty in keeping Huxford sober and out of bad company which had come down from the city to pass the eve of the Fourth. Heath gave him a little rope and allowed him to play poker with three men from the city. Going in to look after them lest Huxford should get too well acquainted with them, Huxford said: —

"Heath, will you lend me five dollars? These fellows have cleaned me out."

Yes, Heath would lend him five dollars and set him up again in play. Huxford called for more liquor. "No you don't," said Heath. "These three gentlemen may have what they like, but you must n't have any more."

Huxford was obedient, and Heath left them and went to the house, and here he was so thoroughly overcome with sleep, having watched the deck the

whole night before, that he told a man to keep an eye on the four and call him if anything looked wrong, and fell into a profound sleep. The man waked him, as he did n't like the looks of things. Heath went down and brought off Huxford, but the only way he could keep himself awake and keep Huxford by him was by playing billiards. So the officer and his prisoner played billiards together till dark. Then came fireworks of all sorts and rowdyism of the worst kind, and Heath had no peace until an upward bound steamer was hailed after midnight and he took his prisoner aboard. There was but one state-room vacant, one which no one else would take, as it was over a cattle-pen, and some of the cattle had died and the stench on a hot night was as disagreeable as it could be. He gave Huxford the choice of the berths, made him undress and lie down, and clapped a pair of irons on his wrists, Huxford making no resistance, and passed the rest of the night in a chair by the side of the berth by having brandy and water and cigars brought to him at intervals of an hour by the steward, for the character of the passengers was such that he did n't dare to go to sleep. He had telegraphed from the pilot station to the chief of police, and when the boat came to the levee there was the chief with a coach and a force of police, and Huxford was hurried into the coach and safely lodged in the parish prison.

Huxford actually seemed in high spirits, topping and confident, which Heath did n't understand until the chief found he was visited daily by General Quitman and other of his filibustering and political friends, and discovered that their plan was to have him taken in execution on the old sentence of imprisonment and put in the house of correction, and then take the

ground that in Louisiana an imprisonment for an offence against their own law must have precedence over a process of extradition to another state. It was part of their strategy to put off the service of the warrant to the last moment, and when Heath had him aboard a vessel to take him out just before she sailed. They noticed that Mrs. Huxford was very desirous to learn what steamer they were going to take to the North. Then came in the strategy of the detective. Of course he did not tell her the right steamer, and, equally of course with him, he did not tell her the wrong one, but kept up a mystery. They thought the hotel clerk at the bar was a doubtful person who might give information to the other side, so Heath and the chief had a little low-toned conversation, just enough for him to hear a little of. The next morning there were two steamers to sail to New York at eight o'clock, one direct and one by way of Havana, and at the same hour another was to go up the river to Cairo in Illinois. So Heath and Mr. James discussed the matter at the bar between going up the river and by rail to New York or by way of Havana. Mr. James leaned to the Cairo route, but Heath had never been to Havana, and as it was only a matter of half a day's delay he was inclined that way, and said that Mr. Jones, the policeman who had come from Boston with him, would look after the prisoner while he went ashore. The clerk, as they intended, caught the substance of this and communicated it, as they afterwards learned, to General Quitman. The three steamers lay at long distances apart, the Cairo steamer at the upper end, the Havana near the middle, and the direct steamer quite at the lower part of the levee. They bought tickets in their own name

for the Havana steamer, and then tickets under feigned names were got for the direct steamer.

On the morning of the day of sailing instead of calling at the jail for their prisoner at seven o'clock, as they had given out to the jailer, they went at three in the morning, waked up the jailer and demanded their prisoner. He was very loath and must see their papers, and interposed delays of all sorts; but the papers were right, the chief could not be trifled with, and they soon had Huxford in a coach and drove straight toward the Havana steamer until they were out of sight, and then made a long circuit and placed him on board the direct steamer, and fastened him up in a state-room with irons on feet and hands, one of them all the while with him, the other looking out, and the chief on the levee with a sufficient force to put down any lawless attempt at a rescue. But Heath's great fear was the arrival of officers with the warrant of commitment under the state law. He was on the very eve of a great success after all his trouble and risk, and to be defeated at the last moment would have been too much to bear. He said it was the most anxious three hours he ever passed until the fasts were cast off and the vessel's head turned into the river, and he gave his good-by and thanks and hearty hand-shake to the chief of police who had behaved so well.

But Heath's troubles were not over yet. It was low water, midsummer, and vessels were often detained at the bar for the height of the tide. As they approached the point where you must choose between the two passes out they met a steamer which had come over the southeast, and advised them by all means to take the other. They did so, and after

spending about an hour they met another steamer, with one of the pilots on board whose acquaintance Heath had made at the station, who had been over both bars and told them they could not get over that bar and must turn round and go out by the southeast bar, and he thought that if they ran close to the buoy and put on full steam they could do it. So the big steamer was twisted round and came near being stuck in the mud, but got about at last, and was taken up the river and down into the other pass. Heath nervously looking out for every steamer or tug that came near them or showed her smoke up the river. As they neared the bar the captain put on full steam and carried away the buoy and ploughed up the yellow mud on the bar, but got her off into deep water and she stood out to sea, and the mind and body of Heath got some well-deserved repose.

In due course of time Heath returned in triumph to Boston, and Huxford was committed to the jail, and Varrell moved among his crowd with a higher crown and longer sceptre than ever.

Heath learned by letter from the chief that, on the eventful morning as soon as they had left the jail, the jailer hurried off a messenger to General Quitman, and he roused his friends, and they got officers with the warrant and went down to the Havana steamer. The names were on her books and the number of the state-room, but the man was not to be found. They searched the steamer from end to end, and wasted a good deal of time in waiting for the possible arrival of the coach. Then they bethought them of the Cairo boat, and guessed that Heath had changed his mind at the last, or that the Havana boat and the names were only a blind, so they tore off to the upper

end of the city and searched the Cairo boat, and were last seen making for the berth of the direct boat, where they arrived some half an hour after she had started; and there they gave up the chase.

In due time the case came on for trial at Boston, — Commonwealth *vs.* Huxford. I gave evidence of the occurrence, of which I knew nothing beyond the blow and its effects. The only evidence we had, without which he would have been acquitted, came from the two young men produced by Varrell. It was refreshing to the sight to behold two such clean, straight, comely, nicely dressed youths. They wore neat, black frock-coats and gray trousers, plain gold studs on plain immaculate linen, simple neckties, the neatest of French boots, were clean shaved from ear to ear, and with rather short-cut hair upon the head, and street gloves of yellow kid. Both were light-complexioned, fair and with blue eyes. The absence of anything dashing or overdressed about them was noticeable. Their manners were models of quietude and self-possession. Each told his story simply and clearly, and each was cross-examined by Mr. Bradley, the counsel for Huxford, with great address but with absolutely no effect. Huxford was convicted and sentenced to two years in the house of correction. I confess I began to feel something like compassion for the poor, blundering brute as against his clever and wickeder master, Varrell.

A few days after this the two witnesses came into my office and in the civillest manner, with their usual self-possession and repose, asked my advice about the lawfulness of carrying concealed weapons, saying that they had been threatened by Huxford's friends. Prepossessing as they were and with all their lamb-

like innocence on such subjects, and with all their scrupulous wish to obey every tittle of the law, I still thought it wisest for me to decline to advise them, putting it upon the ground of my relations to the case. I thought it also prudent to add that since the assault upon me I had felt at liberty to be prepared for defence. I never fathomed their purpose in coming to me or learned who sent them. During that summer I occasionally met Varrell in the street, and fancied that his black eye and dark face and hair, contrasted with the pure white linen of his coat and trousers, had an ominous look; but it was no doubt prejudice, although I had been the occasion of his spending a good deal of money, and taking a good deal of risk and trouble.

When Huxford's term was about half expired a stranger came into my office and asked me to sign a petition for the pardon of Huxford which he showed me, neatly written out, awaiting my signature to be put at the head. I refused. He stepped back, looked me steadily in the face, and said in the most serious tone he could assume, "Mr. Dana, I advise you to sign that paper;" and after a pause repeated the language in the same tone. I told him I regarded this as a threat, and that it had now become impossible for me to sign it even if I would have done so otherwise, and that I should feel it my duty to report the occurrence to the Governor. He left the office before I had time to inquire who he was and where he came from. I made my report to the Governor. No petition was presented to him, and Huxford served out his full term.

One morning Mr. Bradley called upon me and said that his client Huxford was now out, and asked me

if I had any objection to seeing him, assuring me that Huxford had no ill-will against me at all. I had no objection, and the result was that Mr. Bradley and Huxford revealed to me the secret that lay at the bottom of the whole story.

Huxford was one of those whom Varrell, on his short notice, had swept into the marshal's guard. He was something of a prize-fighter, and had led what is known as a hard life, — hard and fast. After they were paid off at the marshal's office Friday evening Varrell took some dozen of them to Allen's saloon to treat them. While they were there Varrell called attention to me and Burlingame passing by in the strong gaslight, and said, "There goes Mr. Dana. I 'll give any man ten dollars who will give him his corn." "I 'm your man," said Huxford, and they started out together. Huxford protested to me that he had no ill-will against me whatever at the time, but was excited by liquor and willing to gratify Varrell. As they followed us they laid out their plan of attack. I was on the outside, next the curbstone. They were to come up behind; Huxford was to strike me a round, swinging blow on the right side of the head, which was expected to knock me in toward the wall, and Varrell, at the instant, was to catch me with a blow on the left side as I was falling. Mr. Burlingame and I kept so close together that Varrell was obliged to push between us and crowd him off, which drew no attention, as the sidewalk was considerably thronged. The plan was a good one, and would have been more decisive in its results but that I did not fall according to the programme. Huxford's blow was delivered a little too sidelong, and, instead of falling to the left, I reeled round and fell into the

street; so the virtuous Varrell, with the best intentions, lost his share in the work.

And now for the two witnesses. Huxford admitted, of course, that much of what they said conformed to the fact, *but neither of them was present or knew anything about it!* Their evidence was perjured throughout, made up from the whole cloth.

"But why," I asked, "should Varrell procure perjury unnecessarily? Why could n't he have taken some witnesses who did know?" "Oh, they would know too much. They might implicate him in it." I suggested that they might have left him out. "No, Varrell would n't take that risk. They might drop something unawares, or let something out on cross-examination that would implicate him. The best way was to have clean, fresh witnesses, who knew nothing of the transaction, write the story out for them, let them get familiar with it, and they could n't let out what they did n't know."

He told me that these young men had been employed by Varrell about his genteel gambling house and other places of a like nature; that he always kept a few such, and insisted on their being neatly dressed, quiet, temperate, taking the best care of themselves, and keeping up the best appearances. They were well paid and were expected to do whatever Varrell wished to have done. He confirmed Heath's notion about the escape, which, however, now needed no confirmation. Varrell's object was to punish him for breaking faith and running away, and to satisfy people that he was not to be trifled with.

Some two or three years after this there came into my office a man, pale, sickly, with one eye, what is called seedy in his clothing, quite down at the heel,

the toes of his boots worn through, and quite miserable generally. He wished to consult me about a claim to some money from the death of an aunt in Vermont. He thought there might be some two or three hundred dollars coming to him. I told him I could n't attend to it in another state; that I did not know the laws of Vermont; that he must go there and get a lawyer. I dare say I was rather short with him.

"You don't seem to remember me, Mr. Dana."

"No. Have I ever seen you before?"

"Don't you remember the case of Huxford?"

"Yes. What had you to do with that?"

"Why, I was one of the witnesses that convicted him."

There indeed he was, — what a change! He felt it himself, and with the most subdued and doleful air he gave me his story. He said that some time after the trial he was at a horse-race at Chelsea Beach, and Mr. —— (naming a young man of good family who kept very low company and had forfeited his social position, but whom his companions always called *Mr.* ——) had a quarrel with him, told him he had sent a better man to prison than he was himself, and struck him a blow which put out his eye. After that he said Varrell did not want him any more, and he seemed to have fallen pretty fast till he had got into his present most piteous condition. I gave him money enough to take him to Vermont, which he promised to use for that purpose; and I know nothing of him since.

The other witness has prospered, owns several houses in rather a bad neighborhood, and is a large owner in a theatre and newspaper, and, so far as I can

learn, engages in nothing worse than what is called politics.

Varrell was rewarded for his service in the Burns case by a post in the custom-house in New York, nominally to inspect customs, but mainly, it was thought, to manage primary meetings in the lower parts of the city, in which he and his shoulder-hitters were no doubt useful politicians. In the civil war, having lost his office by change of parties, he turned patriot, raised a company of roughs, was their captain, and was in the unfortunate affair of Ball's Bluff. He circulated great stories of his personal valor, rushing at the Confederates bowie-knife in hand, all which I found our gentlemen who were in the fight entirely discredited. Indeed, it turned out in that war that the roughs were not as good soldiers, not as brave, not as enduring, and certainly not as trustworthy, as young men from the public schools and the Sunday-schools, the plough and the machine shop; and Varrell and his squad, like others of the sort, were sent to guard the Dry Tortugas. Since the peace he has changed his politics once and not wisely, lives in New York, but is thought not to be prosperous.[1]

[1] This man, called Luigi Varelli by Mr. Dana, was commonly known as Louis Clark, and is described in the police records as Louis Bireal or Bieral, *alias* Louis Clark, *alias* Spanish Lew, though according to his own statement he was born at Valparaiso, Chili, of Portuguese parents, about the year 1814. In his early life he is said to have been a prize-fighter, and was one of many similar characters driven out of San Francisco by the famous Vigilance Committee of 1851. Afterwards a prominent "sporting" character and authority, he was referee in the Morrissey and Heenan prize-fight of October 20, 1858, and in the celebrated trotting-match between Patchen and Flora Temple in 1860.

He lived in Boston several years, mainly between 1850 and 1860, and his name was there connected with a notorious brothel kept by a woman reputed sometimes to be his sister and sometimes his wife.

Perhaps I may be misled by my personal connection with this story, but it has always seemed to me

Not long before the breaking out of the war of the rebellion he moved to New York, where he engaged in politics. He next made his appearance as captain of Company G, in the 1st California Infantry regiment (71st Pennsylvania), and with it took part in the affair at Ball's Bluff in October, 1861, in which Colonel Edward Dickinson Baker, then United States Senator from Oregon, was killed. Absurd stories were told after that engagement and went the rounds of the press, of the desperate exploits of Bieral in defending the body of Baker, and avenging his death on the Confederates by the daring and dexterous use of a formidable bowie-knife While there was no reason to suppose that Bieral in this affair behaved otherwise than creditably, receiving in the course of it a bullet wound in the foot, his bowie-knife performances were, it is almost unnecessary to say, quite imaginary.

After the close of the rebellion he was appointed an inspector in the New York custom-house, which position he held for more than twenty years. He was several times charged with accepting bribes, or improperly exacting money at the custom-house, and in 1886 was removed from his position for demanding and obtaining from a woman two dollars for passing through the customs a sewing-machine, and, it was alleged, keeping the money. He used every means in his power to get reinstated, and when he failed of his object became sullen and desperate, claiming that he was destitute and without other means of support than what he derived from his position as inspector. He saw fit to hold Hans S. Beattie, surveyor of the port, responsible for his misfortunes, and on the 1st of November rushed into the surveyor's office in the custom-house and shot him.

Though Mr. Beattie survived this attempt on his life, its desperate character renewed the recollection of Bieral's career, and he again figured in the columns of the newspapers as the "avenger of Baker." He was indicted for assault with attempt to kill and pleaded "not guilty," setting up insanity as a defence. His trial took place in January, 1887, and resulted in a verdict of guilty, accompanied by a recommendation to mercy. On the 10th of March, being then, according to his own statement, seventy-three years of age, he was sentenced to five years' confinement at hard labor in the state prison at Auburn.

His exploits after the death of Colonel Baker are said to have been described by Charles B. Lewis, one of the editors of the Detroit *Free Press*, who wrote under the pseudonym "M Quad," in his book *Field, Fort and Fleet.*

a striking illustration of the strange ways in which human justice is worked out, and the imperfection of its results.

Varrell was the chief criminal, drew in Huxford, and planned the whole. He escaped and was unsuspected and was rewarded. There was absolutely no evidence against Huxford, and he would have been discharged in an hour had he not stated a false defence of an *alibi* and asked for time. Even then he would have escaped, had he not broken faith with his surety and fled. He was convicted of a crime of which he was guilty, but by perjured testimony. That was furnished by the vindictiveness and self-interest of Varrell. One of the perjurers suffered, but only from the temper of a man as bad as himself, if not worse; and the other is in almost affluent circumstances. If there were no hereafter, if it were "the be-all, end-all here," if there were not entered at the end of each man's account, as at the foot of the merchant's ledger, "carried forward," I do not see how we could believe that the world is ruled by a Being absolutely just, omniscient and omnipotent.

CHAPTER XVI.

THE COAST OF MAINE. — COMMISSIONER LORING. — RACHEL. — RUFUS CHOATE. — JUDGE WOODBURY DAVIS. — JUDGE SHAW. — ELIZA WHARTON.

In August of this year Dana was invited by William B. Franklin, afterwards a major-general in the civil war but then a lieutenant of Topographical Engineers in charge of the inspection of light-houses on the coast of Maine, to accompany him on a tour of inspection. George F. Shepley, United States District Attorney for Maine at that time and subsequently (1869–1878) the judge of the United States first circuit court, was also of the party. Immediately after his return, Dana wrote a letter to his wife in which he gave the following account of what he did and saw on this, the nearest approach to a yachting cruise he seems ever to have made.

1854. *Manchester, September* 3. I suppose you wish to hear about my voyage. I reached Portland at ten P. M., where Shepley was waiting for me and took me to his house. The next day, as the schooner had not got in, I spent in Portland, chiefly lying still in the house and reading Romilly's "Memoirs," which I finished. In the afternoon I joined a party of English and Canadians in an excursion down the harbor in a steamer. In the evening had John Neal at tea, whom I found to be a character, one of the curiosities of literature, very entertaining, large, strong, with a spirited air, independent, quick in general, but with no malice, exceedingly egotistical, but not troublesome on that account.

The next day the schooner arrived, but we did not sail until Thursday at noon. Oh, how parched and dusty everything was in Portland, and what a relief to be upon the foaming sea!

All the light-houses, buoys and beacons in the United States are placed under the charge of a scientific board of naval and military men at Washington, called the Light-house Board, and this Board divides the coast into districts, over each of which an officer of the Engineer Corps (Topographical) is placed as inspector. His duty is to visit the light-houses, see that the keepers do their duty, suggest improvements, see to their supply, report on new sites, and see that all buoys and beacons are in their places. This is a new system, and has been in operation with excellent results for two years. Each inspector has a vessel at his command, in which to make his tours. Lieutenant Franklin has charge of the coast of Maine. He is married and lives in Portland, and makes excursions from there east and west. The vessel is a schooner of about eighty tons, a Baltimore clipper, and a pretty little craft. Franklin, Shepley and I had the cabin to ourselves, the master and mate living forward, and I found everything agreeable. Uncle Sam's rations are not abundant, but we supplied some deficiencies, and had a good stock of porter and ale and claret. I believe I was made for the sea, and that all my life on shore is a mistake. I was intended by nature for a general roamer and traveller by sea and land, with occasional edits of narratives, and my duties as lawyer, scholar and publicist are all out of the way. To me the sea is never monotonous. Whether in calm or blow, in fog or clear sky, it is full of interest and variety. At sea

we have the same variety of sky that we have on shore, and changes of the surface which the landsman never sees. Imagine that by changes of wind, calm or storms, the landscape should be thrown into hills or smoothed into a prairie before your sight, as you sit at your window! I like a dull, heaving calm, and when the fresh breeze raises the sea into billows and they rush foaming past you, and your vessel bounds over them, there is an ecstasy of delight which thrills every nerve.

The coast of Maine is the most beautiful and interesting coast in America, and I know of no coast in the world where there are, in the same short space of 150 miles or so, so many harbors, bays, sounds, inlets, reaches, islands and headlands; besides that, there are no wastes of sand; but the soil, although mostly light and barren, is still a soil with some verdure and forests of evergreen trees, with high hills and small mountains come quite down to the shore as at Manchester. The finest yachting ground I have ever seen is the "Edgemoggin Reach," a sound formed by the mainland on one side and a stretch of islands on the other about thirty miles long and from three to five wide, lying between the mouth of the Penobscot and Mount Desert. We visited Seguin Light, St. George's, Booth Bay, Townsend, White Head, Owl's Head, Thomaston (Rockland), Camden, Pumpkin Island, Bear Island, Becker's Island, Mount Desert, South-west Harbor, North-east Harbor, and returned to the mouth of the Penobscot, where I took the steamer from Bangor to Boston, having been absent from Boston ten days, and on board the vessel eight days. It has been as invigorating and reviving an excursion as I ever took, and I have enjoyed every

moment. It has brought back my old sea-life more than anything that has occurred to me since, especially the landing in boats, of which we had a good deal. Every day was fine weather, except a few hours of rain one evening, and one day of very heavy swell, which rolled us about too much. Franklin was on General Taylor's staff at Buena Vista, and I got from him full accounts of that battle and of the war generally. Shepley, too, is a very pleasant companion, and has a good deal of fun. We breakfasted at seven, dined at twelve, had tea at six, and supper, with porter and ale, at nine. We had no adventure, except that I took Franklin and Shepley to an island a few miles off in a sailboat belonging to the vessel, to visit a light, and, beating back against a heavy sea and strong wind, carried away the mast, breaking it short off at the throat. But we had got within a mile or two of the vessel on our way back, and experienced no difficulty.

Mount Desert is a beautiful region, made up by islands, high, rocky and picturesque, through which the sea runs up into very pretty harbors and inlets, and the vessels run up among the hills and lie under their shelter. The light-house, seen from the sea, looks as if it were away up in the country, shining at the base of a high hill.

The diary supplements this letter with the following notes of Lieutenant Franklin's talk about the Mexican war, General Taylor and the battle of Buena Vista, and describes also a visit to Professor Bache's coast survey encampment among the Camden hills.

Franklin had been in the Mexican war, and was in General Taylor's staff at Buena Vista. From him I gained a full account of the battle, with many little

hints and anecdotes as to soldier's life, all quite interesting. This account of the battle of Buena Vista agrees with that which Bliss gave me. They agree that at the end of the day our army was exhausted, dispirited, its vigor and *morale* gone, and that they all looked forward to the next day as to certain destruction before this overwhelming force, and that the retreat of the Mexicans was unexpected. We woke up and found ourselves victors instead of victims. It flashed upon us that we had gained one of the most remarkable victories of modern times, when we expected a day of certain destruction. He says that all the story of the Mississippi regiment using their bowie-knives is entirely false. They used only the rifle-ball, and not even bayonets. He spoke very highly of Lincoln, and says he was killed by a shot through the back of the head when facing a regiment, riding in front, and encouraging them on at a critical moment when they were faltering under a severe fire. His situation was a most exposed one, a situation which it would have been mere foolhardiness to take, except under the circumstances of this battle, where our troops were chiefly volunteers, and all depended on the officers. Lincoln was Acting Adjutant General, and had no command of the regiment, but seeing them falter he rode in front and cheered them on by example as well as by word.

Franklin says that Bliss was the ablest young man in the army. But the entire credit of the battle he gives to Taylor. There was a power in old Taylor's presence, in his mere name, the mere confidence that he was there, which kept up the day. He told me it was his firm belief that if Taylor had been killed, or if he had been detained two hours more at

Saltillo, the whole army would have been on the full run. He agreed, too, with the general account that the artillery saved the day; but he does not give the credit of this to Bragg any more than to Sherman. He says it is the mere accident of Bragg's proposing to Taylor to retreat, and Taylor's saying to him that there must be no retreat, and to "give them grape, Captain Bragg," that has popularly connected Bragg's name more with the battle than Sherman's.

Franklin saw O'Brien lose every man in his battery and his guns, and save only his own life. He agrees with Bliss, too, in the belief that if the artillery had not repulsed the charge of the cavalry (as by all the rules and chances of war they could not do) our defeat was certain.

Bliss told me that Taylor did not speak to Bragg at the time, and all the story about "a little more grape" was a fable. But Franklin says he was by Taylor's side when Bragg rode up and told Taylor that he was unsupported by infantry and could not maintain his post, and that Taylor replied, "You must maintain your post. There is no choice. You must do it. If they get near give them grape." He also says that nearly all the officers at the council of war held that night were in favor of retreating. If this had been done, both armies would have been in full retreat at the same time.

Franklin says that the war had a bad effect on our officers, producing a great deal of intemperance and gambling, and ruining many fine fellows. I was surprised to hear him speak of one and another, living and dead, who had become intemperate, or formed ruinous habits of gambling, and he says that many outrages were committed on the Mexicans, less no

doubt than by conquering armies generally, but still enough to give one a dreadful idea of military conquest, and he himself is not a man of peculiarly delicate organization, or of fastidious moral sense, but simply an average, honest-minded man of average morals and tastes. . . .

I was landed at Camden about eleven A. M. of Thursday, August 31. As I had several hours on my hands I rode up to the foot of the mountain and walked up to Bache's encampment. The entire scenery about Camden is unusually picturesque, even for the sea-coast of Maine. Near the top of the mountain, in the midst of the deepest and richest foliage of oaks and evergreens, with the exquisite perfume of the spruce tree pervading all, stood the company of snow-white tents. The effect as you turn the path and come suddenly upon it is quite picturesque. In the tents were officers writing and reading, and the servants at their various avocations. Found Mr. Bache in a tent divided into two apartments, one occupied by himself, and in the other, which is the sleeping-room, was Mrs. Bache sewing. Mrs. Bache always accompanies her husband in his camp duty. Although the day was warm he had a fire, and sat with a cloak about his chair. His table was covered with books and papers, and he seemed busily at work. The weather had been too thick for observations for several days, and the smoke from the fires in the woods had obscured several points. I stayed to dine. Mrs. Bache was a Newport lady and a friend of Mrs. Professor Channing, and I found her quite agreeable. Mr. Bache is a calm, quiet, well-bred man, with an appearance of thoughtfulness and of determination, and impressed me very favorably. He was very at-

tentive, but I left immediately after dinner for fear of interrupting his labors.

November 5. I have just read "The Heir of Redclyffe." Oh, that my eyes were rivers and my head a fountain of tears! Read it all young men and young women! Never have I seen the religious character, elevated virtue, struggles with evil, the pure, unostentatious, noble, heroic, chivalrous goodness, portrayed in so affecting, so captivating a manner. Guy! Poor, dear, noble Guy! Would to God the impression of this book might never leave me; that it might be with me in life and in death! In all time of my prosperity, in all time of my tribulation, especially in all the time of my prosperity, which is always the trying time with me. I have done nothing but sigh and weep all day, and the services at church kept me in almost constant tears. Guy and Amy were so real to me, that it was a mournful pleasure to me to go through the same service that they went through, to read their psalms and lessons. And it happening to be the Sunday after All Saints, the clergyman preached on the "Communion of Saints." It was more than I could bear.

"Guy's Sea," as poor Amy called it, overcomes me at every recurrence. Then the lines from Sewell: —

> "A stranger's roof to hold thy head,
> A stranger's foot thy grave to tread
> Desert and rock and Alp and sea
> Spreading between thy home and thee!"

There is something in Guy that reminds me of myself, but how sad is the difference! In his love of adventure, his devotion to the sea, the rocks and the wild scenery, his love of boats, his turn for romance and heroic adventure, his sober seriousness as

a lover, the melancholy devotedness of his courtship, his youthfulness and elasticity, — in all these I am reminded of some of the best points in my own life and character. In a general desire to be elevated and religious, and in the power of such things to touch me, I am like him. But also, I have no constancy, little of his power of self-discipline, his resolution, his moral courage, and far, far behind him in purity. He was pure. He was a constant striver for victory. I am only an occasional struggler between long intervals of ease, indifference and self-indulgence. He had a sure hope and affections fixed on the world to come. Nearly all my portion is in this life. My thoughts are here, my treasure is here, Heaven and the spiritual world are unreal to me, and I have no power to bear mental suffering, because I have no sure hold on what is beyond.

God grant that the cares of this life may not destroy me. I feel that if I were independent of my profession, and my wife were spared to me, and we could together give ourselves to contemplation, to religious exercises, to nature, to art, to the best of reading and study, spending much of our time at the dear, dear shore, we should be more elevated, more tender, more fit for a spiritual world. My only stay at such times is the thought that God assigns us our duties. My duty is clear. I must support myself and my family, and earn a competency for them by my profession. This requires indefatigable labor. All I can do is to aim at a life of rectitude and integrity, and to keep my better nature open to influences by books, by poetry and eloquence, by nature, and by as much attendance on the worship of God as my time will permit. But shall I do this? No,

if I am to judge from the past. God keep in me the hope and the effort, work in me to will and to do! Amen.

November 15. . . . I heard a capital thing said by Dr. Lieber. Speaking of visiting at Lenox and Stockbridge, among the ——, he said he felt like St. Joseph in the pictures of the Holy Family, the only one of the company that had not a halo round his head. Any one who has visited among them can appreciate and enjoy this. . . . This week we have been trying the case of the bark Missouri for salvage. I put upon the stand Captain Pitman, who had been engaged in the embezzlement of the specie with Dixey, the master of the Missouri, on the coast of Sumatra. He testified that Dixey proposed it, and tried to persuade him into and offered many inducements, that he said they would be discovered and convicted, but Dixey said they would not, and tried to persuade him that it was safe. Choate cross-examined him as to those inducements pretty strictly, and wished to know what the inducements were. Pitman said there was one he did not know whether he ought to mention.

Choate. You may keep it secret, if you prefer.

Dana. No, Captain Pitman, let us know all about it.

Pitman. Well, sir, he said that if we were detected he would get Mr. Choate to defend us, and he would get us off if the money was found in our boots.

It was a good many minutes before the court and audience recovered its gravity.

December 16. Dined at the Albion in a select company, of Emerson, Lowell, Alcott, Goddard (of Cincinnati, lecturer), an English gentleman named

Cholmondely (Oxford graduate), a clever and promising Cambridge student named Sanborn, and Woodman. It was very agreeable. Emerson is an excellent dinner-table man, always a gentleman, never bores or preaches or dictates, but drops and takes up topics very agreeably, and has even skill and tact in managing his conversation. So, indeed, has Alcott; and it is quite surprising to see these transcendentalists appearing well as men of the world.

1855. *March.* Petitions have been sent to the Legislature for the removal of Judge Loring from the judgeship of probate. If they are founded upon the notion that, in discharging the duty of commissioner in the Burns case he acted from any corrupt or wilful motive, or was wanting in kindness and fairness in his treatment of Burns or his counsel, it is a mistake. If founded on the opinion that in acting at all as commissioner he violated any law or the spirit of any law of Massachusetts, it is a mistake. If founded on the opinion that, without either of these reasons, he ought to be removed because of his acting as magistrate in a slave case, my own opinion is that it is far better for Massachusetts first to put herself right upon the record, to pass a law prohibiting such an act, and then to punish all who transgress it. This is more dignified in the state, and safer as a precedent as regards the independence of the judges. It seemed to me that no man in the state was in a situation to act with as much effect as I, seeing that I was counsel for Burns, known to be an opponent of the Fugitive Slave Law, and hostile to Judge Loring and his set. It seemed to me therefore that it was my duty to come forward, not in his defence, but in defence of the principle, and to save the anti-slavery cause from doing something it might regret.

I first called on Franklin Dexter and President Quincy, to get them to head a remonstrance and become responsible for the counteraction. My interview with Mr. Quincy was very gratifying. It was a noble spectacle to see this venerable man of eighty-five with his memory and all his powers about him, grand, stately, simple, a relic of great times gone by, born before the battle of Bunker Hill, six years old at the Declaration of Independence, whose father had died in the cause, a member of Congress under Jefferson's administration. His views on the subject were clear. He wished Loring punished and his set, the clique of the Curtises put down, but he thought his removal would be a violation of the spirit of the Constitution, yet he said that it was an irresponsible hand that struck the blow, a "Know-Nothing" legislature, and their act would be no precedent. He preferred, therefore, to stand by and see it done rather than to interfere.

Mr. Dexter's views were much the same. Yet he was more willing to act, were it not for his extreme dislike to the Curtis faction. He said "If they were a tyranny, I would fight them; but they are a pestilence, and I shun them."

The advice of neither of these gentlemen was quite satisfactory. Mr. Dexter is always too fastidious, and "reasons too precisely on the event," and thus seldom acts with effect. He is entirely independent of everything but his own tastes and antipathies, but he is the slave of them. He is fearless of man, but does not care enough for any man to risk anything, or to stir himself. Mr. Quincy reasoned too much like a politician, it seemed to me. He wished to let the Know-Nothings injure themselves, and was willing

that an irresponsible hand should strike the blow. My answer is that I do not feel myself wise enough to limit and define beforehand the consequences of an act I think illegal and wrong, which touches vital principles of the Constitution.

I called on Mr. Adams (C. F.), but he was away. Being obliged to go to Dedham, I could consult no more, and was obliged to commit myself to action without further opportunity for advice.

My course was to appear in behalf of certain remonstrants who are anti-slavery men — entirely distinct from Judge Loring and his friends, and not in any professional capacity.

March 6. After several delays and adjournments, I appeared to-day before the committee and made a long address upon the subject. I endeavored to lay down the true principle as to the right of removal by address, and to illustrate and enforce, to present rules and suggestions in the way of public policy and discretion, and then to do justice to the conduct of Judge Loring, as to the *modus operandi*, as to which I think the petitioners are misrepresenting him. I believe my speech had a decided effect not only on the committee, but on the large audience. It is a narrow plank to walk. I think Judge Loring did wrong in acting as commissioner while he was a Massachusetts judge. I think his decision was wrong. I dislike exceedingly the spirit of his friends and supporters, but I think he ought not to be removed. My speech will be published.[1]

[1] Remarks of Richard H. Dana, Jr., Esq., before the Committee on Federal Relations, on the proposed removal of Edward G. Loring from the Office of Judge of Probate, March 5, 1855. Boston: Printed by Alfred Mudge & Son. 1855. 28 pp.

March 30. *Friday.* Anthony Burns called to see me, with his clergyman, Rev. Mr. Grimes, to thank me for my defence, and to pay his respects. He appeared very well, in good health and spirits. He seems a modest, conscientious man, and his story must be drawn from him.

He told me that he was put in irons as soon as he arrived in Richmond, which was early in the summer. He was put in a slave jail and kept there, in close confinement and in irons, both on his hands and on his feet, until November, except during a few weeks when he had a violent fever and the irons were taken off by order of the physician. These irons were not for security but for punishment, as it was impossible for him to escape without them. In November Colonel Suttle put him up at auction. He was more than an hour on the block before there were any bids of consequence. The crowd were exasperated against him for his former escape, and threatened him so much that Suttle thought him in danger, and got a gang of some twenty or thirty men to stand by to protect him. Burns said this was not because Suttle cared for his life or limbs, but because he was his property and was afraid he would be injured so as to reduce his value. At length he was bid off to a Mr. McDaniel of North Carolina, a slave-trader, for $910. McDaniel was obliged to carry him away by night for fear of the mob.

In North Carolina he was well treated by McDaniel, who is a bold, frank fellow, and whose object was to speculate in him. McDaniel soon got into correspondence with Burns's friends here, and at last agreed to deliver him at Baltimore for $1,300 and expenses, making a profit of $400. This agreement

he was obliged to keep secret, for if it had been known that Burns was to be restored there would have been danger to his life. On the way to Baltimore several times people in the conveyances learning McDaniel's name, and suspecting that he was taking Burns north, became violent, and in a steamboat McDaniel had to stand at the door three hours with his revolver loaded and capped.

I showed Burns the window of the room in the court-house where he was confined, and the court-room. What a change, and what a life for an obscure negro! One of several millions of obscure negroes, he escaped to Boston, and is as obscure there, when in a day his name is telegraphed all over the Union, millions await the decision of his fate in anxious suspense, riots and bloodshed occur, the heart of a nation is aroused; over his body is the great struggle between the moral sense of a people and the written law backed by armed power; half a nation is humiliated and half a nation triumphant as the scale is turned; to him freedom for life or servitude for life hangs in suspense; the die turns for slavery, bonds and imprisonment await him; but the eyes of a nation are on him, again humane hearts beat, and he is purchased to freedom; and now revisits the scene of his agony of trial a hero, a martyr, with crowds of the learned and intelligent of a civilized community listening to his words! Who can tell what a day may bring forth? Who can tell what are the things and which are the men that are to move the world?

The subsequent life of Anthony Burns can be told in few words. Rejecting with manly self-respect an offer from Barnum to exhibit himself at the Museum of the showman

in New York, and refusing in any way to make the story of his wrongs a means of livelihood, Burns, who had as a slave been a preacher, determined, now that he was a freeman, to become a clergyman. He was offered a scholarship at Oberlin, which he at once accepted, and early in the summer of 1855 entered upon his studies. In due course of time he was ordained as a minister of the Baptist persuasion, and subsequently was settled over a church at St. Catherines in Canada. He there died July 27, 1862.

I have every reason to be gratified and satisfied with the course I took in opposing the removal of Judge Loring. It is wise to take advice of the elders, and always right to weigh it well, but not always necessary to follow it. My instincts taught me that my course was right, and I felt that the advice of Dexter and Quincy was too politic and cautious; Dexter's, from fastidiousness, and Mr. Quincy's, probably from a really doubtful state of mind, a desire to see the thing done.

Except an abusive article in the "Atlas," by Hildreth, which the "Telegraph" had declined to publish, and a very unfair letter to the "New York Evening Post," I suspect from Hildreth also, who is as venomous and deaf as an adder, I have been well treated, and the amount of compliment and congratulation heaped upon me by the best of men has been gratifying in the extreme. I feel, too, that I have been the means of bringing the anti-slavery sentiment of the State to a stand-still and reconsideration upon the subject, and rallying the public sentiment; for no one else moved in the matter, and no one could have moved so effectually as I could, having been Burns's counsel, and having all the natural feeling of one who had lost his case.

The committee have behaved shabbily. After telling me distinctly that they wanted no testimony on the subject of Judge Loring's conduct, as they should not base their report at all upon that, and that I need not introduce Mr. Grimes or any other witness, they not only did base their report upon it, but they procured additional testimony against him. This is very mean, but I do not know how I shall avail myself of it. The report is a wretched affair, perhaps the poorest state document I ever saw; but little better could be expected from such a committee. Yet even at that, there was only a majority of one in its favor.

After long consideration and exciting debate the address asking for the removal of Judge Loring passed the Legislature, but Henry J. Gardner, then governor, declined to accede to it. When, in 1857, N. P. Banks became governor, the agitation of the question was renewed, and in 1858, John A. Andrew being then the leader of the Republican side of the House of Representatives, an address was again passed. Thereupon Judge Loring was removed. He was immediately appointed by President Buchanan a judge of the United States Court of Claims, which position he held until December, 1877, a term of nearly twenty years. He then, having passed the age of seventy years, resigned.

June 3. All last week I was at Worcester, trying the case of Commonwealth *vs.* Horace Ives, on a charge of embezzlement. Called on Judge Allen, and had a long talk with him about politics. He says no one who was not on the spot can form any opinion of the manner in which Webster appeared in the Senate after his 7th of March speech, when the slave questions came up occasionally. He was evidently in a work for which he had no heart, and

as to which his conscience was not easy. Judge Allen said, "One could not but pity him."

June 17. Made my annual pilgrimage to Bunker Hill, at sundown, and took in the noble *coup d'œil*, and recalled the ideas which that spot always furnishes to the mind either at all patriotic, or at all thoughtful.

November 4. *Sunday evening.* The absorbing occupations of law and politics have prevented my keeping up my journal the last two months. Since my last date we have held our convention at Worcester. Its history is to be found in my "Report" to the people of Cambridge, printed in the "Atlas" of last week. The temporal questions of men, and the gossip, is well enough passed by; but we think the triumph of the Republican cause to be of the greatest importance to the cause of freedom in the struggle with the slave oligarchy.

Sumner made a noble speech at Faneuil Hall Friday night, before a crowded assembly, at which I presided. Seward's speech at Albany, on the "privileged classes," the oligarchy of slavery, has been the key-note of the new party.

Rachel has been here, and I have seen her twice, once as Phèdre, and once as Adrienne Lecouvreur. She is the greatest person I ever saw upon a stage. She is absolutely free from the stage artifices and tricks, even the traditionary mannerisms of the stage, in attitudes, gait, gesture and tones of voice. All is her own. Though there may be an excess of art, it is apparently simple and natural. It is an art wrought out by herself from practice on her own nature. You do not know how she comes on the stage or goes off. Her easy parts are easily played, and her

passionate parts cut to the quick. In Phèdre I was surprised at the tenderness, the sympathetic and feminine character of her expression and action. She was more touching than startling. Her hair is raven black, black as night, her eyes small, but they have expressions one never saw before and can never forget, their beauty is in their socketing. She is but little, if at all, above middle height, very slight and thin, her face thin, with an olive complexion, as it seems by gas-light. Wicked beyond measure the scandal of the day makes her. There must be foundation for this, even if it be exaggerated. She interested me extremely, though I fancied I could see, perhaps from prepossession, room and verge enough for an evil spirit. . . .

Judge Hoar reports a good thing of a shrewd old fellow in the country who listened to a theological discussion upon the difference between Unitarians and Universalists, and said the only difference he could ever see between them was that the Universalists thought God was too good to damn them, and the Unitarians thought they were too good to be damned.

1856. *February* 17. An obituary of Mr. [Edward Tyrrel] Channing in the "Daily Advertiser" of the 15th inst. is by me.

25. *Wednesday.* R. W. Emerson lectured at Cambridge this evening, the subject being "Stonehenge and Carlyle." It was an easy, pleasant narrative of a visit he made to Stonehenge in company with Carlyle. According to his account, which is, doubtless, as favorable as possible, Carlyle must be a conceited, dogmatical, pugnacious, ill-bred man, sceptical in great matters, opinionated and positive in little ones. It was characteristic of these two un-

believing philosophers that on Sunday, which they spent at Winchester, they passed the morning in talking at a friend's house, and the evening in lounging round the cathedral, while service was going on inside.

March. Mr. Choate delivered a lecture in Boston nominally on the old age of Samuel Rogers, but really on the periods in which he lived. It was an address of great power and beauty. His allusion to the stream of memories in Rogers's old age, full and placid, flowing beneath the arches of his mind not yet fallen, was quite beautiful. He had a grand tribute to Cowper, and a touching allusion to his gloom — unable to see the angels that assuredly waited to receive him on the other side of the dark river. He put Byron, Wordsworth and Scott, at the head of the poets of the period, and Coleridge at the head of the second class, with Campbell, Shelley and others. Query: If Coleridge should not go into the first rank for quality though not for quantity? He had a very gratifying tribute to my father, "the elder Dana," with Bryant and Longfellow.

April. I have been much interested, the last two weeks, in the case of Judge Woodbury Davis, of Maine, whom the Legislature of Maine are threatening to remove by address from the bench of the Supreme Court. It is, I believe, the first instance in this country of an attempt to remove a judge solely on grounds of party policy. Superior courts have been abolished to get rid of judges, and where this is for no good reason it is a perversion of power; but to remove a single judge of the Supreme Court by address, on no charge of incapacity or misconduct, has never before been attempted. This is a bold attempt to

reduce the judiciary under the control of party and caucus. Judge Davis decided a constitutional question necessarily before him, which he could not avoid deciding, candidly and temperately, but against the views and policy of the party in power. After a good deal of disciplining and dragooning, by the operation of caucus, the party is induced to make his removal a party question. Caucus votes it; and the party must follow. Fortunately, the Constitution requires the "causes" to be specified, and notice and a hearing for the judge. In this case, the "causes" assigned were simply that he refused to acknowledge the commission that the Governor gave to the new sheriff, the constitutional power of the Governor to give the commission being the point in issue.

Judge Davis's friends retained Choate to plead his cause before the Legislature, and I was retained to make full preparation of the law and history, and to take Choate's place in case he was prevented by illness or engagements from going. I was obliged to make the same preparation as if I were the only counsel, without knowing until Wednesday whether I should be called upon to go. Wednesday night, Choate being ready, I handed over to him my brief (seventeen pages), and he went to Augusta.

It is a great occasion. I should have felt great pride in making an attempt, by speech and reason, before the legislature of a sovereign state, to stay and turn back, at its outset, the current which, unchecked, will prostrate every barrier against the omnipotence of party majorities.[1]

[1] The joint committee of the Legislature of Maine to whom this case was referred were addressed on behalf of Judge Davis by Henry W. Paine, F O. J. Smith and Rufus Choate; Edward Kent,

April 8. Met Dr. Robinson, governor-elect of Kansas under the state constitution, at a small gathering in the rooms of the Emigrant Aid Society. He gave a clear, moderate and sensible account of the state of things in Kansas, and of its history. He strikes me like a calm, quiet, resolute, clear-headed man. It was an interesting and instructive spectacle, to one observant of the developments of the American mind and character, and the course and results of our institutions, to see this plain, self-made man, not educated to politics or law, in a modest, but firm and intelligent manner lay down the constitutional principles, and refer to the historical precedents on which their whole movement had been predicated and shaped. Where else in the world can be found this native aptness for affairs, this mingled respect for law and precedent, and love of order, with devotion to liberty and freedom and personal rights. Verily, every true-born Yankee is a maker of constitutions, a founder of empires, a builder of cities, a subduer of nature and a regulator of men.

In the Presbyterian Church case (Attorney General *vs.* Federal Street Church), Hillard, in drawing the answer, said that our ancestors came here to establish religious freedom, and that no particular mode of faith had ever been required in Massachusetts. In my argument I referred to that statement, and made

ex-governor of the State, attended as his counsel. The decision of the committee was said to have been taken on party grounds solely, uninfluenced by the arguments; and on their report the Legislature, by a party vote in both houses, adopted the address, in pursuance of which the Governor, Samuel Wells, April 11, 1856, removed Judge Davis from the bench. The same Legislature afterwards abolished the office; but their successors sitting in 1857 reëstablished it, and Judge Davis was restored to his former position.

some sport by alluding to the real history of religion in Massachusetts, and inquiring where the learned counsel had obtained his information, etc. The judges and bar smiled, and Hillard explained and retracted the entire statement. But I noticed that the Chief Justice did not seem to relish the occurrence, and muttered something which seemed to indicate that he thought the statement substantially correct. When the court conferred upon the subject of the judgment, they unanimously agreed that we had failed to establish that the deed of Little, etc., created a public charity, and it was conceded by us that unless it was a public charity we could not prevail, and they authorized the Chief Justice to draw up an opinion in accordance with those views. He drew up the opinion, and when he came to read it, to the surprise of the court as well as to the astonishment of the bar, it contained an elaborate historical argument to show that there had always been religious freedom in Massachusetts, and that the word "orthodox" used in the statute was not used in any technical sense, but left each church to its own opinion of what was orthodox. It is no disrespect to Judge Shaw to say that a weaker argument never came from a sensible man. It was self-evidently wrong, and there was no way of accounting for it, but to admit that Judge Shaw had come to such a state of doting fondness as to create a bias that entirely perverted a sound and honest mind. Every man at the bar, as well as on the bench, saw the lamentable weakness it exhibited.

When the case came in its order to be printed, the judges came to an agreement among themselves and spoke to the Chief Justice about it, and told him that

they could not agree to have that stand as part of the opinion. Judge Metcalf said he not only entirely dissented from it, but that he was not willing to have the sanction of the Supreme Court given to one side of the controversy respecting the Hollis professorship. Judge Thomas and Judge Bigelow, who are both Unitarians, also attacked the opinion, and demonstrated its fallaciousness. The Chief Justice made fight for a time, but was obliged to yield, and took back the opinion and revised it, leaving out all those parts that related to religious freedom; and it is to be printed in that form [3 Gray, 1]. . . . The truth is, Judge Shaw is a man of intense and doting biases in religious, political and social matters. Unitarianism, Harvard College, the social and political respectabilities of Boston are his *idola specus et fori.*

[*Salem.*] *May.* . . . I have found a resource in riding, there being very good saddle-horses here, and rode out every morning and evening to Danvers, Beverly, Marblehead, etc. But the ride of the chief interest was on Thursday evening, to Danvers, to the grave of Eliza Wharton. I gave my horse to the charge of a boy at the gate, and following a well-beaten foot-path came to her grave. It is marked by a large upright stone, brown sand-stone, all the upper part of which has been broken off by the curiosity of visitors to carry away pieces as relics. So far is it defaced by this barbarism, which yet has a relish of piety and sentiment in it, that the name is gone, and much of the inscription, but I could read, in the gathering twilight, broken sentences testifying to her beauty, her genius and her many virtues and charms.

How sad and solemn is it for a man to stand by the

grave of a woman of beauty, genius, station, affection, betrayed by one of his own sex to shame, anguish, desertion and death!

It is now more than sixty years since she died, yet her story is as fresh as yesterday, and the interest in her grave and in what tradition has preserved of her few weeks of deserted, unrecognized, tearful life in Danvers rather increases than diminishes with years. The steps of visitors have made a path to her grave, the headstone is scarcely preserved by reason of the demands of their sentimental interest, and even the spot where the "Bell Tavern" stood, in which she sojourned and died, now built over with shops, can be pointed out to the stranger by any child in the village.

The episode of Eliza Wharton like that of Charlotte Stanley, who was by the mother's side a near relative of Eliza Wharton's, has always excited great interest and great sympathy. Each was made the subject of a work of fiction modelled on Richardson's "Clarissa Harlowe," and "Charlotte Temple" and "Eliza Wharton, or the Coquette" though now forgotten, both in their day passed through many editions and were widely read.

Eliza Wharton, or, to give her real name, Elizabeth Whitman, was born in Hartford, Connecticut, in 1756, and lived there during almost the whole of her life; and it was probably due in part to this local association through his wife's connection with Hartford and Wethersfield, that Dana felt so deep an interest in her fate. Her father was long connected with Yale College, while her mother, named Stanley, was descended from a younger son of one of the seventeenth century Earls of Derby. Noted for her beauty and gentleness of character, Elizabeth Whitman was greatly admired by the young men of the pre-revolutionary period in Connecticut, among whom were Aaron Burr and Pierre-

pont Edwards; finally in 1775 she became engaged to the Rev. Joseph Howe, pastor of the New South Church in Boston, who had been driven from his charge at the time of the siege of Boston and sought refuge in Connecticut. He seems to have died in Hartford in 1776. Elizabeth is said to have tended him in his last illness; "but, as she had loved him with moderation, she mourned for him without despair." She next became engaged to the Rev. Joseph Buckminster, afterwards settled at Portsmouth, New Hampshire; but this engagement was subsequently broken off. Five years later, in May, 1788, being then thirty-six, she left her home and family, ostensibly to visit a friend in Boston, but stopped on the way at Watertown; and thence, a few days later, was driven over to Danvers, reaching that place early in June and going to the Bell Tavern, where she gave her name as Mrs. Walker. She claimed to be waiting there for her husband, and a few weeks later, in July, gave birth to a dead child, and died herself a fortnight afterwards. A paragraph in the "Boston Chronicle" then first revealed her place of refuge to friends and relatives.

She wore a wedding ring, and insisted that she was married; though if such was the fact, the name of her husband and the father of her child has never been disclosed. She herself was silent on the subject, merely saying, when pressed, that her death was the easiest solution of many problems.

CHAPTER XVII.

THE FIRST GLIMPSE OF EUROPE.

To see England and especially London had long been a dream of Dana's life. In the course of his vacation rambles he had now visited most of the portions of his own country which were interesting and then easily accessible, — Niagara, the White Mountains, Canada, the lakes and coast of Maine, and the British provinces; he had seen California and the Pacific; he had twice rounded the Horn; but he had never crossed the Atlantic, or gone back to what was to him far more than it is to most Americans, "our old home." The time for the dream to be realized came at last.

Dana went abroad in 1856 under the happiest possible auspices. No longer a boy, he was exempt from a boy's restless thirst for excitement; but he had not reached the period when the faculty of enjoyment is impaired. Not yet forty-one, his reading, thoughts and mental associations were all connected with England and things English; but he had really known only America. He was accordingly in an eager and thoroughly receptive condition. He went, too, under the most favorable circumstances, for not only did he have a reputation of his own as the plucky young fellow who had served two years before the mast and written a book which recalled Defoe, but more recently his defence of Burns and his manly stand in the Fugitive Slave cases

had aroused a new interest in him. For it is to be remembered that the English aristocracy was, as respects slavery, in a very different frame of mind in 1856 from that in which it found itself five years after when the war of the rebellion broke out. In 1861 all its sympathies went with the South, and those loyal to freedom and the Union were made to realize keenly enough how thin, even in the highest circles, is the veneering of politeness which overlies genuine British brusqueness. It was otherwise in 1856 when Dana first visited London. "Uncle Tom's Cabin" was then in the height of its world-wide vogue, and anti-slavery cant echoed in levee and drawing-room. England thought itself enlisted heart and soul in favor of the oppressed slave, his champion was sure of a welcome, and Dana was the legal champion of the fugitives.

Moreover, on the 22d of the previous May Charles Sumner had been assaulted and beaten down in the senate chamber by Preston S. Brooks. Sumner was at that time probably better known than any other American in the highest circles of London society. The interest in him had been revived and quickened by the murderous attack of the slave-holding ruffian, and there was hardly a door in all England which would not have flown open in welcome to one bearing a missive from the Massachusetts Senator. Hearing that he was going abroad, Sumner sent Dana letters of introduction to many of his friends.

Those too were the golden days of the Victorian era. The Queen, only thirty-seven, was a young woman still, the Prince Consort was of the same age as his wife, and their children, all children yet and about them, had not begun to marry. The Crimean war had been brought to a close but three months before, and the English army was returning home; while London swarmed with the heroes of Sebastopol and Kars, social lions of the day. Lord Palmerston was premier, and Sir George Cornwall Lewis was chancellor of the exchequer, from which position Mr. Gladstone had the

previous year withdrawn. Neither he nor Lord John Russell were then in office. On the opposite parliamentary benches sat Disraeli, who four years before had been the leader in the Commons of the first Derby cabinet, the head of which, "the Rupert of debate," now led the Tories in the Lords. Across the Channel, the second Empire was in the full blaze of its tinsel glory, and the Emperor only three years before had seated the daughter of the Spanish Count of Montijo beside him on the imperial throne.

Sailing from Boston on the steamship America of the Cunard line the 2d of July, Dana landed in Liverpool on the 13th of the month; for that was before the days of "ocean greyhounds," and the average summer voyage lasted ten days, — a great advantage, now lost, to the overworked man of business seeking rest and relaxation abroad, but finding it, pure and simple, only on the ocean. Returning, he left Liverpool for New York on the 23d of August, having thus been exactly forty-one days on foreign soil.

In these days, when the man who has not been abroad is the exception, almost every educated American knows from his own experience the sensations which a first glimpse of Europe, and especially of England, can hardly fail to give rise to in one of his class; and his journal is apt to refer to familiar scenes with which the guide-book usually deals to better effect. To publish now the detailed diary of a trip to England, and of a few weeks passed in London as recently as 1856, seems, therefore, at first almost absurd, — Stratford, London, Westminster Abbey and Stonehenge, have all been more than sufficiently described. But, while this to some extent is true, it is true only of writers and seers of a certain class; by writers and seers like Washington Irving or Nathaniel Hawthorne or Richard H. Dana even these familiar scenes have not been, nor will they ever be, described enough. There are innumerable pictures in existence now of well-known bits of landscape upon which the world sets no great store, though still it prizes them

at their full worth; but of sketches of those same scenes by the pencils of Claude or Turner or Corot it neither has, nor is it likely to have, more than are desired. Of this, his first trip to familiar England, Dana, for the benefit of his family at home, which included his father and sister, wrote out in his letters and journals an elaborate account. That account is to-day as fresh and bright and absorbing as it was when first written; and its interest is as great now to the general reader as it was then to the little circle of friends for whom it was intended. It reveals also the man as he was in the young maturity of his powers, — eager, observant, loyal, enthusiastic and humorous.

The companions of his voyage were the well-known Thomas Gold Appleton, already referred to as "Tom Appleton, the prince of rattlers," and William W. Story, the latter of whom, a man of thirty-seven, known only as yet by his law treatises and the life of his father, was going abroad with his family to devote himself to art. For the rest, the America on that outward trip held the usual heterogeneous collection of passengers then as now crossing the Atlantic by every steamer, who, very strange and formal when the voyage begins, become quite intimate before it ends and they separate, usually not to meet again. Nevertheless, there must have been something rather exceptional about this particular trip, for Mr. Appleton, already a veteran in Atlantic voyages, in writing home spoke of it as "*certainly* one of the pleasantest passages I have made," and described at length how he, Story, Dana and Miss Biddles, the pretty actress, found the paddle-box a nice place to sit in the morning, where they told stories, recited poems and talked of writing a book, to be called "Spray from the Paddlebox." Nor did Mr. Appleton ever forget the Mormon elder on his proselyting tour, presently to be described by Dana in his narrative. To his last days the Boston wit and story-teller delighted to imitate the nasal twang with which Elder Pratt, relating the interview be-

tween Joseph Smith and the higher powers concerning the authenticity of the Mormon tablets, concluded by saying, "which being shown to the ăngel, he pronounced to be absolewtly caorrect." Unlike Appleton in that respect, this voyage was Dana's first experience of the kind, and so everything struck him as strange and new, and he set it all down; and it is the strongest possible proof of the literary and descriptive powers of the man that the familiar sights and scenes he then portrayed retain their life and freshness yet.

July 2. . . . We started punctually at twelve M., with a most beautiful day overhead and around us. Our two guns rang and echoed through the harbor and city, our streamers flowed gayly, and we went down the harbor in beautiful style — actually bound to Europe, — the Europe of my dreams, that I hardly dared believe I should ever see. But now that the time has come, I am so intensely interested in my own country, in the impending struggle between the free classes and the slave-power that I cannot conjure up a thought of England. Her history, her cathedrals, her castles, her nooks and corners, all lose their significance, and have no hold on my feelings or fancy. . . .

Spent all the evening on deck.

Nothing can exceed the beauty and cheerfulness of our going off. A clear sky, fresh, pure air, quiet sea, bright sun, bright blue waves, just broken by a steady breeze, all carrying health, joy, vigor, to every vein and nerve! What is like the sea for healthfulness, vigor and joy! And to me, beyond all this, the infinite delight of freedom from all labor, the certainty of nothing to do, the certainty that there is nothing I can do. No matter how many strings you have left flying, no matter what occur to you as

things you might do or ought to do, you banish and forget them all in the knowledge that miles of blue water — a *mare dissociabile* — makes them impossible. To me, this is an unspeakable delight.

All sails are set, including a topmast studding sail, and we go beautifully on.

10.30 P. M. Orders come aft to burn a blue light. It is burned from the stern, and soon we throw a rocket into the blackness of the upper sky. How it tears up into the darkness, with its *brevis furor*, its short-lived madness! Another interval of ten minutes or so, and another rocket. Then, far ahead, we see a light, and a rocket breaks in the sky and drops its golden fires. This is the return boat, the Canada, bound in to Boston. She passes us, several miles to leeward, too far to see her regular lights, but the blue lights and rockets are exchanged as complimentary signals.

A little before midnight I leave the deck reluctantly for my state-room. . . .

July 5. *Saturday.* Heavy fog, heavy rolling sea, dullest of weather all day, steam whistle and horns blowing all the time, decks wet, men in thick overcoats and caps, windows down, all the women but the Hungarian matron sea-sick, and about half the men. The wind is astern, and the ship rolls heavily. I acknowledge to the mortification of feeling a little squeamish myself. I have taken my meals, and kept walking deck all day, but do not feel comfortably, and eat sparingly. . . .

We begin to learn something about the passengers. There is a captain in the Royal Navy, a small, matter-of-fact, commonplace looking man, conscientious and faithful, who keeps on deck all the time. He has

just left the command of the Arab, a brig of war, at Halifax. Then there is a tall, raw-boned, canny old Scotchman, with a red nose, dressed in a black dress coat, over that a thin linen sack, half too small for him, and over that a plaid shawl. I have named him Sawney McBean. He is the peripatetic animal, now walking deck, now in the cabin, now in the fiddley, and always to be met stumbling up or down stairs. If you run against any one, it is sure to be he. He looks good-natured all the time, and the great redness of his nose, and the glassy look of his eye, gives you a suspicion of strong horns. . . .

Then we have a Crimean hero, an officer of the —, a young man of good appearance, who, Napier tells me, has been in most of the battles. His regiment has just arrived in Halifax, and he is going home. He is a slender, well-made, plucky looking fellow, and has a soldierly walk on deck. . . .

6. *Sunday.* At ten o'clock all hands called, and passengers invited to morning service. The cabin is well filled, and between sixty and seventy persons, including officers and crew, attend service. It is read by a clergyman, in a white cravat, a quiet, modest man, who reads intelligibly and seriously, and the responses are remarkably well given, quite as well as in many churches. All seem interested, or at least respectfully attentive. This governmental respect for the institutions of religion is not only a tower of strength to the government itself, linking it in with the strongest sentiments of our nature, but has a wholesome effect upon persons, and tends to create respect for religion itself, as I believe. I joined in the prayer for the Queen, for I am under her flag and protection. She is bound to protect my

life and property with all the power of her realm, and I owe her, while I choose to remain under her rule, a qualified allegiance, all that is consistent with my allegiance to my own country. . . .

Long talks with Appleton. He is in a strange state about mesmerism and spiritual mediums. He believes in the phenomena of spiritual mediums, and told me many stories of communications from the spirit land, and of table-moving, music, etc. He says it confirms his belief in Christianity, and he holds to what are called miracles, and to the good and evil spirits of the Old Testament. He talks of the Deity a great deal, but I doubt if he holds to *Christianity*. It is a belief in a superintending, personal deity, but it does not include the Incarnation, or the Trinity. It is, however, an interesting development. . . .

July 7. *Monday*. Rose early, and was rewarded by the sight of an iceberg. After a few minutes on deck, "Starboard — hard a-starboard!" was shouted from forward. "Hard a-starboard!" was echoed from aft. "Starboard, every spoke!" cried the captain. "Every spoke it is, sir," said the mate. "'Stop her! Stop her!" By this time several passengers rushed on deck, and a large iceberg lay looming in the fog, a few yards to windward, with the small satellites drifting by its side. All we could see in the thick fog was the dull, dark mass, a few shades darker than the fog, high and long, with a broken, wild outline. It was soon lost in the fog to leeward. We were sailing directly upon it, and only the bright lookout saved us from running upon it. . . .

At night, thick fog again, boat at half speed, watch set, captain faithful at his post, the shrill steam

whistle, the fish-horns from the bows, the prolonged "all's well," at the sound of every bell, give the romantic interest of peril, exposure and watch, to our life. I remained on deck until about midnight, and turned in with my clothes on. I do not like to be caught unprepared in case of an alarm. At daylight I undressed and slept until seven bells. . . .

8. *Tuesday.* Just after breakfast, while we were sitting over the table, the actress came up, evidently disturbed, and said that the delirium tremens man had just died. He died in a sudden, violent convulsion. There is something dreadful in the thought of a poor fellow, the victim of vice, dying in this terrible way, disgraced and suffering, away from all friends, in the midst of the wide ocean, his poor body to be thrown into the deep, and his spirit to go to the Maker of all! It goes to the hearts of many, and the effect upon the crew, and the whole body of the waiters and servants, is perceptible. The tone of the passengers gives one little satisfaction, at least those I hear from. Story is a confirmed latitudinarian and epicurean. He does not make sport of death, but cold indifferentism and superficial philosophy rule him. . . . Appleton has a whimsical mixture of levity, indifferentism, selfishness and good thought. But I detest the whole of it. . . .

My nature requires (though I am as far as possible from living up to it) — my nature requires a supernatural faith, observances and rites.

The Crimean hero is Major G——, of the —, one of the few survivors of the Redan. He is quite young, and it is said the general offered him any reward he would choose, and he chose a commission for his younger brother.

My Sawney McBean turns out to be Mr. P——, the celebrated Quaker, one of the three Quakers that made the visit to the Emperor of Russia to counsel him against war. . . . My merchant shipmaster, with whom I confer, and walk deck, is from Bangor, Maine, has been several times round Cape Horn, as he tells me, to the Chincha Islands, Australia, California, etc. He gives a dreadful account of the coolies at the guano islands. When he was there, he one morning found three of them hanging at the door of the English commissioner, where they had destroyed themselves from despair. Many threw themselves from the rocks into the sea. He came to me yesterday and said, "Is that man at your table, with the beard, Judge Story's son?" I told him he was. He said, "I was never more taken aback in my life. I thought he was some outlandish man." I explained to him that Story spoke all languages, lived abroad. *Patent-Machine* has also found out that he is Judge Story's son, and expresses his regret that a young man should leave his country and turn himself into a foreigner. He had been before Judge Story in a patent case, which he detailed to me.

The best mistake, too good to be allowed to get out, was made by Captain O——, Major G—— and the others, at the opposite table. O—— asked me about Miss Biddles and said, "That gentleman who waits upon her (Appleton), he belongs to the same theatre, does n't he?" "Oh, no," I said; "he is a gentleman of property." "We made up our minds," said he, "that he was an actor that *did the heavy papa* in the comedies."

The fog continued all day, but not so thick as it

was, though we are still hemmed in to a narrow sphere of about one quarter-mile circuit, the fog bank hanging round us on all sides, ready to close us in, as if it were only frightened off to that distance by the noise and sight of the steam and the great body the steam drags along. Full steam is on, all sail is set, including a topmast studding-sail, and we go booming through the water at the rate of eleven and a half and twelve knots. "The wild and wasteful ocean" swells and surges about us, and its dull gray hue is only broken by the white yeast of the waves as their tops jostle together in the confusion of our wake. It is a glorious sight, a proud and inspiring sensation, to stand on the high quarter-deck, the lofty sails spread before you, the great hull throbbing with the invisible power that is driving you along, nothing but a wild waste of waters about you, through which you are tearing, rolling and plunging, with an aim and course as sure as the needle to the pole. But how unspeakably dreary, how gloomy is the sea behind you, in this dull, sullen weather! Well suited is it to the scene we are all awaiting — the burial of our poor passenger.

At eight P. M. the carpenter removes the gangway railing and bulwarks, leaving a small space in the side open down to a level with the deck. The boatswain pipes all hands to bury the dead. It is still light in this high latitude, though the day is far spent, and nightfall is beginning to settle on the sea. Six men bring to the gangway a plank, on which is some large object covered with the British flag, and place it at the open gangway. As they partially withdraw the flag we see the canvas sewed round the body. The body is placed with its feet over the

plank and its head on board. The passengers and crew gather in solemn and respectful silence about it, filling the passage-ways and the steps and hanging over the rail of the upper deck. The clergyman, book in hand, advances to the head of the body. All stand uncovered while the words, "I am the resurrection and the life, saith the Lord," break upon the silence. The young surgeon stands by the side and reads the responses and the alternate verses. At the words, "We therefore commit his body to the deep," the seamen raise the inner end of the plank, the flag is lifted, and the heavy weight plunges into the sea with a heavy leaden plunge that is heard fore and aft, and is swept astern, and swallowed up in the waste of waters, gloomy, roaring, tumbling, cold, fathomless!

Then come the consoling words of the Lord's Prayer, joined in aloud by many deep voices, among which I noticed several of the crew, the benediction, — all cover their heads, the crowd disperses over the ship, the gangway is replaced, and the monotonous voyage goes on. The hundred or two human beings who are not yet called away, with their little respite of weeks, or years at most, before them, go back to their works, their talk, their plans, some wisely sobered, some disturbed for a moment, to recover their gayety, or their indifference, with little or no gain, and some to relapse at once, without a thought, into the frivolous or selfishly laborious tenor of their ways.

In no mood to join my party in the cabin, I walk the upper deck until nearly midnight. What place or scene can be better suited to reflection! Except the officer pacing to and fro at the binnacle, I have the upper deck to myself. The huge sails tower

mysteriously into the dark air — the ocean, dull, gloomy, broken into little sheets of white foam, which hurry by us with the speed of frightened horses, a great dim swell of broken seas behind us, the whistle of alarm, the everlasting, unceasing throb and hurrying onward of the great bulk with its freight of human beings, the spirit of death that has cast his shadow over us, and the thought of the poor lifeless body, but twelve hours ago in life, floating leagues astern, fathoms down in the sea, — if a man cannot think and feel now, when can he? Still, in the saloon below the parties are at their suppers, their wines, cards and cigars, as ever, and the talk of the loungers in the fiddley goes on as usual. . . .

9. *Wednesday.* There is some discussion among the nautical men whether the ship ought not to have been brought to during the burial. The custom always has been to back the main yard in sailing vessels. We thought the engine would have been stopped, and the sails backed. But the ship went on at her full speed. There seems to be a deference to the ceremony and the event that the ship itself can show by stopping in her course. It could have been done, and unless there is a settled usage to the contrary should have been done. . . .

11. *Friday.* This is our first fine day since leaving Halifax. The sun is out bright, the sea is smooth and blue, and the air soft and agreeable. After lunch, loud shouts of laughter from the upper deck drew us all there. The British officers and other gentlemen, all English, are engaged in games and exercises of strength, agility and sleight, of the most amusing character; some are laughable beyond measure. It is refreshing to see these young men, lieutenants in

the Guards, Crimean heroes, who had fought at Inkerman and Balaklava, a post captain in the navy, and two young gentlemen of family and fortune, travelling for pleasure, with their coats off, rolling, tumbling and jumping about decks, playing leap-frog, tying up hands or feet, and walking or jumping with their other limbs, — before a crowd of spectators of all classes and descriptions, who applaud and shout and laugh in the most boisterous manner. One game is a cock-fight. Two men sit on the deck, each with his hands tied together, his knees bent up, and his hands drawn over them, and a stick placed through his arms, and under his knees, so as to skewer or truss him, like a fowl in a dish. They are placed opposite each other, and having only the use of their feet, and that very much confined, the fun is in their efforts to tip one another over on the side. Each cock has his backer, who tends him, pats him on the back and head, and lifts him when he is down. These games made great sport. Major G—— and Mr. R——, Lieutenant A—— and Mr. T——, etc., etc., made pairs, to the huge delight, especially, of the children. The performances closed with races on all fours, the runners to jump three poles, placed at intervals across the deck, still keeping on all fours. The first race was between Major G—— and Mr. R——, neck and neck, but won by G——. The next was between Captain O—— and a gentleman whose name I do not know, easily won by the latter, as O—— is fifty, and a little stiff. It was absurd to see him, in his gold laced cap and naval buttons, hurrying and leaping along on all fours. He made good sport of his defeat. The last was between the two winners,

and quite spirited, — won by Major G——, who made a brilliant leap over the last pole. Mrs. Story was the winning post, and when the judges awarded the race to G——, Lieutenant A——, who acted as owner of the winning horse, led him up on all fours, amid cries of "winning horse to the post," and Mrs. Story placed two pennies on his neck, and he cantered off. Lieutenant A—— then sent his dog round with a cap in his mouth, to pick up pennies from the crowd, made a mock speech of thanks, and the gentlemen ended by tossing up for the pennies. The grave N—— took the part of a *property man*, and *Supe*, and gathered up the stools and boards.

Where else but in England, with all that is said of their stiffness and pride, could you find men of that class and rank making such free natural boys of themselves, with utter absence of all false pride, before strangers, a mixed crowd, many being their inferiors. . . .

12. *Saturday*. . . . While I am writing, Major G—— comes to write at the same table, and we get into talk about Sebastopol. He was one of the few that came alive out of the Redan. He gives me a full account of it, with a rough pen-and-ink drawing. He says it was shamefully mismanaged. Only 1,500 men were sent to the assaulting party, with a reinforcement of 2,000. The reinforcement came on without order or direction, in small squads, and was useless. Under the dreadful fire it could not be formed, and was only butchered. The stormers carried the Redan, and held it, with momentarily diminishing numbers, for two hours, under deadly fire and the bayonet, until they were driven, pell-mell, over the wall, and fell into the ditch below, and on the

bodies of their own dead and wounded, and some upon the bayonets of their own men. He attributes the miscarriage to the incapacity of Simpson, who, he says, is an old fool. Simpson was two miles off, and had made no plan at all adequate to the occasion. There should have been 12,000 men in the attack and reserve, all moving on. He says every military man will say that the force sent could not have held the Redan if it had been taken. He says that General Windham behaved like a lion, and deserves all the credit he has received. G—— is a young, slender, active man, with a mild, open, clear blue eye, that looks at once gentle and incapable of fear.

Little Story is brought to the dessert every day, and as soon as he gets into the saloon, he sets up a shout of delight, at which Tom Appleton called him, "Vox clamantis in *deserto*." . . .

After tea Story, Appleton and I went into the second cabin to hear a Mormon lecture. We have just discovered that there are three Mormons on board, who are on a proselyting or recruiting tour to Europe, — one a brother of Brigham Young, and another, the famous Elder Pratt. They have given lectures on Mormonism every evening since the good weather returned. The cabin was full of second-class passengers, with a few first-class. Pratt gave the lecture. He is a cool, cunning fellow. Several of his statements were intentionally misleading. His account of the finding of Joe Smith's revelation was a melancholy attempt at imposition — the angel appearing to Mr. Smith in the town of Manchester, county of Lafayette, State of New York, the metal plates inscribed in the reformed Egyptian tongue,

translated by Joe into Yankee slang English by aid of the Urim and Thummim which he found with the plates, and which the angel pronounced to be correct, and then the carrying off of the plates by the angel, and the ingenious contrivance of a box of plates, containing a future revelation, to be made known whenever the angel shall require it, the hiding-place of which is known to only six or seven of the Mormon church. He gave the impression that a man could not take a second wife without consent of the first, — but Story and I put a few questions to him that floored him on that, and I think we damaged his influence with the audience.

Coming out from the close cabin with this profane stuff, we find ourselves in the beautiful twilight of this northern sky, and the Tory Island Light, my first sight of Europe, gleaming on our starboard bow. There is something unusual in having one's first sight of a new world, not land, but a bright light, set as if a signal of welcome, with no sign of land or habitation about it.

Again we remain on deck, nearly all night, in this bewitching twilight. After one o'clock we go below. A passenger who sat up later tells me that the dawn began soon after one o'clock and that at half past one he could see to read coarse print. Indeed, there is no night here.

July 13. *Sunday.* On deck at half past seven, and there lay the north coast of Ireland, broad on our starboard side, stretching as far as the eye can reach, and on our left hand the distant line of the west coast of Scotland, while we are steering a southerly course, down the Irish Sea, keeping close to the coast of Ireland. Out of the low clouds on the left, off the

coast of Scotland, towers and looms the Ailsa Craig, a conical hill, alone in the sea, like an outpost of the Scottish mountains. About it is flying, here and there, a lugger, or a pilot or fishing boat. We are close upon the Irish coast, and can distinctly see houses and churches and cultivated fields. We pass the entrance to Belfast, and see the sailing vessels and a large steamer going in. Thanks for this beautiful, sunny day, this delightful first view of a new world!

At ten o'clock is the service again, respectably attended, although the great attractions of the coast keep many on deck; the crew are present in white trousers and blue frocks, again is the prayer for the Queen and the royal government, and for our safe arrival "at the haven where we would be."

Coming on deck we find the Isle of Man on our left, the tops of its highest hills hidden by the clouds. Appleton has already pointed out to me the difference between the European and American sky, the milder tints of the European blue. There is no European sky, he says, that is not possible to the painter; but the American colors are too sharp and clear.

At the close of as beautiful a Sunday afternoon as ever shone we entered the Mersey. On the right is the picturesque bold outline of Anglesea, gradually subsiding into the levelled stretches of Cheshire, and on the left the low coast of Lancashire. Vessels of all nations coming and going, steamers to and from Ireland and Scotland and the lower ports, and steam-tugs toiling along with the great ships behind them, and the distant spires of Liverpool and Birkenhead, enliven the scene. But that which arrests the eye of the American on his first visit with as much

of wonder as delight, is the deep, deep, dark greenness of the banks, hillsides, lawns and foliage. It is so deep that if you were first to see it in a picture, you would condemn the artist as false to any possible nature. The next most striking impression is the absence of all painted buildings, those spots of many colored houses and blinds, sprinkled over New England scenery, and instead of it, the stone or brick of all buildings, in country as in city, of various colors, but all giving the sense of stability and repose, and making a mild contrast with the deep green of grass and trees.

Liverpool, with its great dock, walled in, and its towering warehouses, looks like Sebastopol. How strong, how high, how spacious is everything! As we go up the river, we notice with pride that nearly half the ships have the Yankee flag, and those generally the smartest looking vessels. We fire our guns, and come to anchor. The tender boards us, with the officers of the customs. To my surprise, they are civil and rapid in their proceedings, but much time is consumed necessarily. A glorious sunset, of brightly tinted clouds, gilds the whole sky, and while it is broad daylight the Liverpool clocks show clearly nine o'clock.

Reached the Queen's Hotel at ten o'clock P. M., and I am on British soil in a British inn. The neat housemaid, in her neat cap, with her quiet, civil manner, shows me to my bed-chamber, where all is still, clean, heavy and sober. . . . Waiting for our luggage keeps us up until after one o'clock, and when I go to bed the excitement of the scenes kept me awake, I believe, all night. I do not think I slept at all. The steamer, the coast of Ireland, the

light-houses, the English shores, chased through my brain, until I was obliged to cool my head down with wet towels.

July 14. *Monday.* The morning looks dull, but I heard a man under my window announcing that it was a fine day, which no one, unacquainted with this climate, would have suspected. Breakfasted, and took tickets for London. Took 11.30 train for London. Shot through the long tunnel which runs under the town of Liverpool, and emerged into the green fields, among the deep foliage, the hedge-rows, the lanes, the woods and parks, and the mild sky of old England. Our journey occupied nine hours, as we were not in an express train. The whole way I scarcely once, if ever, took my eyes off the exquisite landscape, or relieved them a moment from watching the constantly changing and ever-renewing succession of delights. As far as the eye can reach, deep, rich, green foliage and grass, undulating surfaces, with occasional ranges of high hills, and picturesque breaks in the distance, hedge-rows, quiet, green lanes, flowers springing spontaneously from all fields and from all places, and filling the air with their fragrance, so that it is borne into your car-window as you are hurried by, — grass fields and grain fields, some in full ripeness for harvest, and others gathering and gathered in, stacks of hay and grain, gathered and thatched over, men, women and children in the fields raking into rows the cut grass and grain, others loading the wagons of "harvest home," and ever and anon the village, the hamlet, the larger town, the old parish church in the midst of the church-yard, the nobleman's or gentleman's park, the distant spires of a cathedral, towers of a castle, — all, all, was charac-

teristic of England. But how can one convey an idea of this to an American at home who has never been out of America? I will do my best. Fancy yourself in a nice coach, well stuffed seats, containing six persons, with plenty of room to stretch yourself, to lounge, to put your book, paper, map, hat and coat, at a broad open window, carried along at the rate of from thirty to fifty miles an hour, with no smoke or dust whatever, on a mild summer day in which you are sensible neither of heat nor cold, the sun not bright enough to dazzle or pain the eye, and a succession for two hundred miles of Mount Auburns and Greenwoods without their disfiguring monuments, of the richest parts of Brookline, of the Genesee Valley, and of the Connecticut valleys, with no bare or barren or sun-dried spots. Then imagine your railroad to be so firm and deeply laid, and the engines so well managed, that you have but the least possible jar, no sudden starts and bringings up, and no smoke or cinders or smell of gas, and the banks and sides of the railroads turfed over, and a continued row of hawthorn hedge in full greenness on each side, without intermission, for two hundred miles, except in the streets of the towns. Then imagine such an exuberant growth of spontaneous flowers of all colors that their fragrance often fills your car as you pass. To this add the most picturesque and soothing memorials of an antiquity of eight and ten centuries with the life and activity of a prosperous present, a ruin overgrown with ivy, an old parish church with its church-yard and ivy, a noble manor or park, the overtopping towers of a castle or spires of a cathedral, with a chime to salute your ears if you stop at the station on the hour or half hour, the country alive with

the inland navigation of canal and river boats, a quiet trout stream, blooming hedge-rows in all directions, and lanes invariably lined with hedges or the higher growth of bushes and shrubs, under any one of which you feel that lovers might meet or part. Then remove once and forever from your mind all Yankee notions of so much as one building or structure of wood, and all pictures of paint, whether white or yellow houses, or green blinds, and in place thereof substitute stone of subdued tints, or brick of a dull umber, or dark brown, and roofs all slated, tiled or thatched. Picture to yourself each railroad station with a broad platform of tiled brick or stone, and the building of stone or brick, with casement windows and tiled roofs, with ivy and climbing roses already growing over it, looking, each one of them, like a detached part of a manor-house of Elizabeth or James's time, so beautiful that Ruskin objects that they are out of place and keeping. Imagine every road crossing the railroad by a stone bridge, looking like a Roman aqueduct. Imagine everything so toned down, that even the steam-whistle is not disagreeably loud. Then add the historic associations of the names of places you pass — Old Stafford, Bosworth, with its battle-field, where ended the War of the Roses. Dr. Johnson's Litchfield, with its cathedral towers; old, exquisite, dreamy Trentham, with its church and yard; Dr. Arnold's Rugby, and then the rapidly multiplying indications of a huge metropolis, while you feel you are nearing London, — the London of your childhood and boyhood's dreams — do all this, and then acknowledge that you have but an inadequate notion of an American's first day's journey in the land of his forefathers.

WITHDRAWN